

JOURNAL OF THE SENATE.

Of the Eleventh Regular Session of Legislature under the Constitution of A. D. 1885, begun and held at the Capitol in the city of Tallahassee, State of Florida, Tuesday, 2nd day of April, A. D. 1907, being the day fixed by the Constitution of the State of Florida for the meeting of the Legislature.

TUESDAY, APRIL 2, 1907.

The Senate convened at 12 noon, and was called to order by President Trammell.

Prayer by the Rev. E. H. Rennolds of Jacksonville, Chaplain of the Senate.

Secretary Appleyard called the roll of the hold-over Senators and the following answered to their names:

Mr. President, Senators Alford, 5th District; Canova, 29th District; Clark, 25th District; Crane, 11th District; Crews, 15th District; Hudson, 13th District; Humphries, 27th District; Jackson, 9th District; Massey, 19th District; Neel, 3rd District; Sams, 28th District; West, 1st District; Zim, 31st District—14.

The roll of newly elected Senators was called and the following answered to their names:

Senator Adams, 30th District; Baker, 20th District; Beard, 2nd District; Broome, 6th District; Buckman, 18th District; Cone, 14th District; Crill, 26th District; Davis, 16th District; Girardeau, 22d District; Harris, 24th District; Henderson, 8th District; Leggett, 10th District; McCreary, 32d District; Sams, 28th District; Willis, 21st District; Withers, 23d District; West, 4th District.

A quorum present.

The roll of the new Senators was called at first nine, then seven at a time, and the oath of office prescribed by

the Constitution administered to them by Associate Justice James B. Whitfield, of the Supreme Court.

Mr. Crill moved that the Senate proceed to the election of officers and attaches of the Senate for 1907.

Which was agreed to.

Mr. Crill placed in nomination the name of Hon. W. Hunt Harris to be President of the Senate.

Mr. Crill moved that Hon. W. Hunt Harris be elected by acclamation.

Which was agreed to.

Mr. Crill moved that a committee of three be appointed to conduct the newly elected President to the chair.

Which was agreed to.

The chair appointed Messrs. Crill, Crane and Broome. Who performed their duty.

Mr. Crill moved that the Hon. Theophilus West, of the 4th District, be elected President pro tem.

Mr. Crill moved that Mr. Theophilus West of the 4th be elected by acclamation.

Which was agreed to.

Mr. Crill placed in nomination Hon. Charles A. Finley of Columbia County, to be Secretary of the Senate.

Mr. Crill moved that Mr. Finley be elected by acclamation.

Which was agreed to.

Mr. Crill put in nomination the names of the following officers and attaches of the Senate for the session of 1907, to-wit:

Assistant Secretary—J. O. Culpepper of Taylor County.

Bill Secretary—C. O. Andrews of Jackson County.

Reading Secretary—W. Gwynn Fox of Orange County.

Assistant Reading Secretary—Columbus P. Smith of Madison County.

Engrossing Secretary—George M. Hardee of Suwannee County.

Enrolling Secretary—J. F. Canova of Columbia County.

Recording Secretary—Mrs. L. B. Yonge of Leon County.

Sergeant-at-Arms—Wm. A. Mickler of St. Johns County.

Messenger—Harry Fannin of Calhoun County.

Chaplain—Rev. E. H. Reynolds of Duval County.

Janitor—J. M. Coleman of Franklin County.

Pages—G. C. Harvell of Santa Rosa County, Albert K. Mathis of Hillsborough County, and Gurney Crews of Bradford County.

Mr. Crill moved that they be elected by acclamation.

Which was agreed to.

Mr. Jackson stated that Mr. McRae was absent and would be present to-morrow.

And they came forward with the exception of the Chaplain, Janitor and Pages and took the oath of office, which was administered by Justice Whitfield.

Mr. West of the 4th moved that a committee of three be appointed by the President to wait upon His Excellency the Governor, and inform him that the Senate was organized and ready to receive any communication he may see proper to submit.

Which was agreed to.

The President appointed Messrs. West of the 1st, Hudson and Leggett, who after a short absence appeared at the bar of the Senate and announced that they had performed the duty assigned them and were discharged.

A committee of three from the House of Representatives, Messrs. Watson, Farris and Griggs, appeared at the bar of the Senate and announced that they were instructed by the House to inform the Senate that that body was organized and ready to proceed to business.

Mr. Adams moved that a committee of three be appointed to notify the House of Representatives that the Senate is organized and ready to proceed to business.

Which was agreed to.

The President appointed Messrs. Adams, Cone and Girardeau, who after a brief absence returned to the bar of the Senate and announced that they had performed the duty assigned them and were discharged.

Mr. Massey introduced the following:

Senate Resolution No. 1.

Resolved, That the Senate adopt the rules of the Senate of 1905, except that there shall be added to Rule 25 the following words:

"Provided, That any bill or joint resolution which has passed second reading without amendment shall be placed on the calendar of bills on third reading without reference to said committee, unless the Senate shall order otherwise; and such bill or joint resolution shall be considered as engrossed."

And also except that the Committee on Judiciary shall consist of sixteen members.

Mr. Massey moved the adoption of the resolution.

Which was agreed to.

Mr. Crane introduced the following resolution:

Senate Resolution No. 2:

Whereas, Much of the time of the Senators is taken up in writing letters in answer to inquiries from their constituents relating to pending legislation and in making copies of bills that have been introduced; and,

Whereas, There are many of the Senators who have from time to time been forced to pay for the services of a stenographer in such matters; and,

Whereas, The time of the Senators should be given to the consideration of measures pending before the Legislature, and they should not be forced to pay out of their salary any sum for the business of the State; therefore, be it

Resolved, That the President of the Senate be authorized to appoint a committee of three, whose duty it shall be to select two stenographers, to be known as official stenographers of the Senate; that said stenographers shall do all the clerical work that may be required of them by any Senator; that said committee shall require said stenographers to be present in some room in the capitol easily accessible to the Senate during certain hours, and to perform such duties as may be prescribed by said committee.

Mr. Crane moved the adoption of the resolution.

The yeas and nays were demanded.

Upon call of the roll the vote was:

Yeas—Mr. President; Senators Beard, Buckman, Canova, Clark, Crane, Crill, Davis, Hudson, Humphries, Jackson, Massey, Neel, Withers, West—15.

Nays—Senators Adams, Alford, Baker, Broome, Cone, Crews, Girardeau, Henderson, Leggett, McCreary, Sams, Trammell, Willis, West, Zim—15.

So the resolution was not agreed to.

A message was received from the Governor.

Mr. Beard introduced the following concurrent resolution:

Senate Concurrent Resolution No. 1.

Be it resolved by the Senate of the State of Florida, the House of Representatives concurring:

Section 1. That a joint committee of seven, consisting of three from the Senate and four from the House of Representatives, be appointed respectively by the President of the Senate and the Speaker of the House of Representatives to investigate the Internal Improvement Fund of the State of Florida.

Sec. 2. That the said committee be, and the same is hereby authorized and empowered to administer oaths and examine witnesses, records, books, vouchers and papers; to employ counsel, an expert accountant or accountants, a stenographer or stenographers, a typewriter or typewriters, and such other assistance, and to take all steps necessary to a complete and exhaustive examination and investigation of said fund.

Sec. 3. Said committee is hereby directed to make such investigation and examination with as little delay as is consistent with thoroughness, and to make its report as soon as practicable to the Legislature.

Mr. Beard moved that the rules be waived, and that Senate Concurrent Resolution No. 1 be read a second time.

Which was agreed to by a two-thirds vote.

Mr. Trammell moved that Senate Concurrent Resolution No. 1 be made a special order for tomorrow (Wednesday) afternoon, at 2:30 o'clock.

Pending consideration of the motion of Mr. Trammell, the President presented the following biennial message from the Governor:

Tallahassee, Fla., April 2, 1907.

Hon. W. Hunt Harris,
President of the Senate,
Tallahassee, Florida.

Sir:

I have the honor to herewith transmit to you my biennial message to the regular session of the Legislature, 1907.

Respectfully submitted,

N. B. BROWARD, Governor.

(See Appendix.)

On motion of Mr. Crane, the message was ordered spread on the Journal and the Documents accompanying same be filed.

Which was agreed to.

The following communication and accompanying message from the Governor was read:

Tallahassee, Fla., April 2, 1907.

Hon. W. Hunt Harris,
President of the Senate,
Tallahassee, Florida.

Sir:

I have the honor to herewith transmit to you a special message asking that a committee be appointed to investigate the charges against the Trustees of the Internal Improvement Fund.

Respectfully submitted,

N. B. BROWARD, Governor.

Executive Office,

Gentlemen of the Senate and House of Representatives:

Tallahassee, Fla., April 2, 1907.

Certain persons have, through newspapers and other publications, circulated many falsehoods against the present Trustees of the Internal Improvement Fund, which may deceive the people as to the honor, integrity and ability of those State officials. By innuendo and otherwise, they have attempted to traduce not only your Trustees, but to create in the minds of the people, even beyond the confines of the State, the belief that the Trustees were guilty of mismanagement of the Internal Improvement Fund. Those officials are composed, as you know, of the Governor, Comptroller, Attorney General, Treasurer and Commissioner of Agriculture. It is charged by these certain individuals that the Trustees have violated the laws, which laws they are sworn to uphold, by diverting public funds, charging that your present Trustees have used school funds to build dredges and do drainage work; that they have used money appropriated to the purpose of good roads from that purpose to the purpose of building dredges and draining lands; that they have also diverted money from the State Treasury, derived from taxation, to the purpose of building dredges and reclaiming lands and paying unwarranted attorney's fees, etc., and it is safe to assume that these papers and literature bearing these charges have reached you, and it would be a miracle if one hundred men can be gathered here, whose confidence has not been affected more or less harmfully by the charges against the present Trustees, who are composed of the highest State officers, and feeling that nothing should estrange the relationship that should exist between the Legislature and the Trustees as servants and representatives of the people; therefore, I earnestly

recommend that a numerically strong committee, equipped with sufficient technical knowledge to make a searching investigation, be appointed at once, composed of members of each House, to investigate the charges and innuendoes intended to reflect upon the present Trustees, and make report of their findings at the earliest possible date, and I ask that the committee be given power to summon persons and administer oaths in swearing witnesses, and to require them also to bring books, accounts, newspapers, circulars, literature and hand-books, bearing upon this matter in any way that the committee may deem best and necessary.

This recommendation is not made by me on account of any lack on my part of confidence in the innocence of the present Trustees, as I know them to be innocent of the innuendoes and false accusations, and I further know that they are patriotic, painstaking, able and industrious State officials, and that they are entitled to the utmost confidence of the people; but I feel that it is my duty to you and to the Trustees and to all the honest people of the State, that a full investigation be had, and that a report be made of the actual findings, that the Legislature and the people of Florida and the people of other States may not longer be humiliated by any question of the integrity of the highest officials in a sovereign State.

I further recommend that the writers on the seven newspapers referred to by me in my message of this morning, be summoned, and also the writers on the newspapers referred to in that message under the head of "two or three others," one of which is the DeLand Record. I have learned that the ownership or management, or both, of the other two newspapers, the Lakeland Sun and the Fernandina Star, have changed management and ownership within the last six months, and I suggest that the former writers on those two papers, if they can be found, be summoned also; these, together with the writers on the other papers named, should be able to give you the sources

from which they obtained their misinformation.

Respectfully submitted,

N. B. BROWARD,
Governor.

April 2, 1907.

Mr. Adams moved that the message be received, spread on the Journal, and 500 copies be printed for the use of the Senate; provided it had not already been printed in pamphlet form.

Which was agreed to.

The Senate then resumed consideration of Senate Concurrent Resolution No. 1.

Mr. Trammell withdrew his motion to make it special order for tomorrow afternoon.

Mr. Beard moved the adoption of Senate Concurrent Resolution No. 1.

Which was agreed to.

The President presented the following special message from the Governor with the accompanying document:

Tallahassee, Fla., April 2, 1907.

Mr. W. Hunt Harris,
President of the Senate,
Tallahassee, Florida.

Sir:

I have the honor to herewith transmit to you a special message transmitting report of the Trustees of the Internal Improvement Fund, and the State Auditor's Report of all the accounts of the Trustees.

Respectfully submitted,

N. B. BROWARD,
Governor.

Executive Office,
Tallahassee, Florida, April 2, 1907.

Gentlemen of the Senate and House of Representatives:

I herewith submit to you, as required by Section 629 of

Chapter 1320, General Statutes, Laws of Florida, report of the Trustees for the years 1905 and 1906, which contains the Minutes of the Trustees, together with the land sales and all cash transactions in building dredges and operating them in pursuance with the requirement of Chapter 610, Laws of Florida.

I also herewith submit to you the report of the State Auditor, showing the audit of the accounts of the Trustees of the Internal Improvement Fund, from the creation of the Trustees, under Chapter 610, in 1855, to and including the year 1906; the audit of which accounts required much time and much work, but it was thought advisable that all of the transactions of the Trustees, as shown by the printed minutes, should be audited, checked over and a report made, that in future the audit of the accounts might be dated from January 1, 1907, and that the Legislature and the people and the Trustees might know that they have before them all of the transactions of the Trustees of which any account can be found, from the creation of the Fund. Some adverse criticism of the Governor's action in vetoing a bill enacted by the last Legislature, requiring the auditing of the accounts of the Trustees, but beginning January 1, 1889, I vetoed the bill because I did not think it wise that the investigation and auditing should be limited to an investigation reaching back to only such a recent date as 1889, but thought it best that all of the transactions of all of the Trustees should be investigated and audited, for the information of the Legislature, the Trustees and the people.

The Trustees' plan, as agreed upon two years ago, for draining and reclaiming the Everglades, embraced the building of six dredges with which to do the work of excavation; two to be put to work at New River, one to be put to work at Miami, one in Lake Okeechobee, cutting south to meet those coming up from New River, one deepening and widening the canal leading out of the southwest corner of Lake Okeechobee and through the Caloosahat-

chee River, and one deepening and straightening the Kissimmee River. The one at Miami to proceed north to the intersection of the canal cut into the 'glades from New River, and that was being extended on to Lake Okeechobee, thus reclaiming the lands from Miami north to Lake Okeechobee; and, after the Caloosahatchee Valley had been made safe from overflow from Lake Okeechobee and the valley lands reclaimed, all the dredges to be used in cutting parallel canals and cross-canals throughout the swamp and overflowed land in and through the Everglades and the lands in and about Lake Okeechobee and the Kissimmee Valley, and thereby reclaiming those lands to the northern boundary of the drainage district, as laid out by the Drainage Commissioners, under Chapter 5377.

Your Trustees expected that the drainage tax would be paid, and as soon as the money became available, so much of it as was necessary to at once construct two dredges, one to cut a canal from Lake Okeechobee to intercept or connect with the canal being cut from New River north, the other to deepen and widen the upper Caloosahatchee River, and deepen and widen the canal leading into Lake Okeechobee, to drain and reclaim the lands in the Caloosahatchee Valley and the upper portion of the Everglades, and which would also protect the people there from the overflow from Lake Okeechobee. Several of the large land syndicates and the East Coast Railroad have enjoined the Drainage Commissioners from collecting taxes from them, which has prevented the supplementing of the Internal Improvement Fund by the fund intended to supplement it by the last Legislature, that Legislature concluding that as so much corporation and privately owned lands would be benefited by the drainage of the Everglades and the lowering of Lake Okeechobee, that the corporation owned lands and the privately owned lands should defray their just proportion of the expenses of the reclamation work. Had a sufficient amount of

money been collected by the tax levy, by the Drainage Commissioners, under Chapter 5377, it was their intention to have constructed at least two dredges, at as early a day as possible, to connect with the Trustees' dredges coming up from New River, and do the work on the Caloosahatchee River, referred to above. The work of straightening the upper Caloosahatchee River and deepening the canal leading into Lake Okeechobee from the Caloosahatchee River, thereby reclaiming the lands along the Caloosahatchee Valley and around Lake Okeechobee, opening it up for settlement and cultivation, and saving the people in that section from danger by overflow, and this should be done at the earliest moment. The annual damage, if counted in dollars, done the crops of the people along the Caloosahatchee Valley and the eastern edge of the Everglades vastly exceeds the amount that will be necessary to permanently lower the waters of the lake and prevent its future overflow, and I recommend that a quite numerous committee of both houses be appointed, at an early date, to inspect the work that has been done by the Trustees, in building dredges and digging canals in the neighborhood of New River, and to visit the Caloosahatchee River, and consider all of the facts and data of every kind, and make a report to the Legislature, that you may have as much information upon this very important subject as is possible for you to obtain in the limited time that can be given by the committee in securing it.

The Trustees have constructed two splendid dredges at Ft. Lauderdale, and both dredges are excavating now in the edge of the Everglades. The first three miles of the work of the first dredge is through coralline, limestone rock; the first work of the second dredge is widening and straightening the headwaters of New River for about a mile and one-half, then she will cut three-quarters of a mile more through a coralline, limestone rock, and at that point she will enter the muck of the Everglades more than thirteen feet in depth, when the work will become very

easy, and can be done speedily. The first dredge, THE EVERGLADES, will strike muck thirteen feet deep, at a distance of three miles from New River. The work so far done by her through the rock has been very cheaply done, costing not more than one-seventh as much as the cheapest work ever done heretofore in Florida, or any other State, so far as I have been able to ascertain. After entering the muck, the two and one-half cubic yard dippers now being used will be taken off and replaced by muck dippers of four and one-half cubic yards capacity each. Thereafter each of these two dredges should be able to cut one mile of 60x10 feet deep canal per month.

During the years 1905 and 1906 more than a half-dozen suits were pending in the United States and State courts against the Trustees of the Internal Improvement Fund, involving millions of acres of land and hundreds of thousands of dollars, as appears in detail by the printed minutes of the Trustees.

To protect the vast interests of the State in these litigated cases it was necessary to employ competent and sufficient counsel. The corporations bringing the suits against the Trustees have numerous and able counsel. It is utterly impossible for the Attorney General to attend to these cases and to discharge the duties imposed upon him by law. Experience has taught the Trustees that the employment of special counsel in each case is much more expensive and less satisfactory than the employment of a regularly retained counsel.

The amounts involved in the litigation are so great that even if counsel are paid much less than the usual retainers and fees in proportion to the amounts involved, the payment would be many times the total paid for all legal services rendered.

The amounts paid for legal services and expenses, the persons to whom paid, and the services rendered therefor, are stated in detail in the printed minutes of the Trustees.

The Trustees have now employed one general counsel,

who attends to all the litigation and renders regular service to the Trustees as shown by the printed minutes of the Trustees. This counsel renders for the stated compensation services in all the suits against the Trustees and in giving legal advice and opinions constantly needed by the Trustees. The amount paid is, perhaps, only a fraction of the customary attorney's fees usually paid and allowed by the courts for similar services in cases and matters involving such large acreages of land and sums of money.

The Trustees are fortunate in getting the very efficient and successful legal service they are now getting for moderate compensation. In a single case decided by the Supreme Court of Florida in favor of the contention of the Trustees, about a half-million acres of land was saved to the State. There is, perhaps, six times as much litigation against the Trustees now as ever before, and it is costing much less in proportion to the amount involved than it has ever cost before to defend the suits, and so far the Trustees have retained the lands for the people of the State.

Respectfully submitted.

N. B. BROWARD,
Governor.

Mr. Humphries moved that the above special message of the Governor be received and spread upon the Journal. Which was agreed to.

Mr. Humphries moved that the attention of the Secretary of State be called to Senate Resolution No. 57, passed at the session of 1905, relative to Senate committee rooms, and request that he see that the same be carried out.

Which was agreed to.

Mr. Clarke introduced the following resolution :

Senate Resolution No. 2:

Resolved, That the chair appoint a committee of three to draft suitable resolutions on the deaths of Senators Carter, Lee and Winburn, and report to the Senate.

Which was read.

Pending the absence of Mr. Clarke, the resolution went over.

Mr. Trammell moved that the Senate adjourn to 2:30 P. M. tomorrow.

Which was agreed to.

Thereupon the Senate stood adjourned to 2:30 P. M., Wednesday, April 3d, 1907.

APPENDIX

MESSAGE OF THE GOVERNOR.

Executive Office,
Tallahassee, Fla., April 2, 1907.

Gentlemen of the Senate and House of Representatives:

As directed by the Constitution, I herewith submit for your consideration the following information concerning the condition of the State, and my recommendations in regard to such measures as I deem expedient and proper to call to your attention and consideration at this time.

The various departments of the State Government and the Boards. Bureaus and Institutions connected therewith have submitted to you full and complete reports of the conduct and management of the various interests committed to them, setting forth in detail the condition and progress of the various matters under their care. A careful study of these reports will serve to give you valuable and detailed information as to the receipts and disbursements of the State Government and of the conduct of the various officials in and about their duties and offices. It would be impossible and unnecessary for me to state to you, in the proper limits of this message, the work and results of the administration of the various departments. In order that you may intelligently and justly consider the important affairs of state submitted to you as legislators, and discharge your full duty to the State, you should familiarize yourself with these reports. And just here I wish to say that, in my opinion, it would be advisable to have the period for which these various reports are to be made close on the 30th of June, or such other date of the year previous to the meeting of the Legislature as will permit of the compilation, printing and distribution, in order that the reports might be in the hands of the legislators before convening for their consideration, and as a guide in the intelligent and wise consideration of the affairs of state which come before them during their session.

Florida has had unexampled prosperity and material advancement since the last session of the Legislature, and her marvelous natural resources and adaptability for
1-Gov.

such varied pursuits and industries assure her a continuance of this material progress and prosperity. And while this condition is one which should fill us with pride and ambition for the future of the State, wise and intelligent statesmanship would dictate that it should be your special care to *so guard the sources of wealth and prosperity that a reckless and prodigal use of their abundance may not destroy them.*

The Comptrollers' Report, submitted to me, shows that the assessed valuation of the whole State in 1901 was \$97,551,192.00, and for the year 1906 was \$142,018,871.00, thus showing a gain for the period of five years of \$44,467,679.00, or 45.5 per cent., while for the five years from 1900 to 1905 we find by the report of the Third Census of Florida, a work showing most careful and conscientious labor in its preparation, and a compilation of most valuable and interesting statistics, that the increase in population was 86,303, or 16.4 per cent., making the total population of the State in 1905 to be 614,845 against 528,542 by the United States Government Census of 1900. These figures show that the increase in material prosperity has exceeded even the very gratifying growth in population.

And it only remains for you, gentlemen of the Legislature, and succeeding Legislatures, to be true to your trust as guardians and representatives of the people, giving the State a wise, efficient and economical administration of her affairs, affording equal and just protection to all, to insure a continuance of this advancement and prosperity.

TAXATION.

Taxation, at once the most difficult and most important of the subjects with which you will have to deal, should receive your earnest, careful and early attention. Do not delay the preparation and consideration of the various appropriation and revenue bills concerning this most important matter until the work of the closing days of the session will prevent its proper and careful consideration. The receipts of the State of Florida from various sources, by failure to pass important legislation upon the subjects at the last session, were decreased several

thousand dollars, and this failure was caused by delay of the Legislature in the consideration of these important matters.

The cardinal principle of taxation, whatever the subject may be, is to distribute the burden equally, and while under our system the methods of assessment have improved from year to year as the subject has received more attention, yet it is apparent that the valuation is far below the actual cash value, and varies in the several counties of the State, some approximating the true cash value in their assessments and others falling as low as 40 per cent. In one of the leading counties of the State, I am informed, 40 per cent has been the customary basis of valuation, and in some instances valuable pieces of property have been assessed as low as 10 per cent. of their actual cash value. This is the fault of the system rather than of the Assessors, doubtless, and a clear legal definition of what should be considered the "actual cash value" of property would assist in securing a more uniform valuation. Some of the richer counties having large assessment rolls have, in order to cut down their proportion of taxes for State purposes, kept down their valuations, while others have, for various reasons, a different basis of valuation; and it is perfectly safe to say that if the property of the State of Florida were assessed at its full cash value, as is required by law, it would be nearer \$300,000,000 than \$142,000,000 as it now is. I am convinced that this lack of equalization in assessments will never be corrected until the subjects of taxation for State and county purposes are separated; and a measure looking to that end should receive your careful consideration at this session. All property which is subject to State taxes should be valued and assessed by the State authorities and an equalization of values and burdens would result, whereas the counties would make such assessment and valuation as would be sufficient and proper to meet their needs. There are sources of revenue now coming into the State treasury sufficient to meet all demands that the proper expenditures of the State Government could call for.

Under the system as now operated taxes are collected in the various counties and remitted to the State and then sent back to the counties for purely county purposes and expenditures.

In his report for 1906 to the Governor, the Comptroller says, under the head of General Revenue Fund:

"This fund was originally intended to provide for the payment of the current expenses of the Legislative, Executive and Judicial Departments, and tax levies were made accordingly, but from time to time appropriations have been made for various purposes not connected with the regular expenses of either of said departments, and such appropriations, in the absence of any specific levy of taxes therefor, were made payable from the general revenue fund. In many instances these appropriations have been large, and have added so much to the expenditures from this fund as to create the erroneous impression in the minds of many of our citizens that there was a rapid increase in the expenses of the Legislative, Executive and Judicial Departments of the State Government. It is true that there has been a slight increase in the expenses of these departments, owing to the growth in population and the resultant increase in the business to be transacted, but the additional expenses created in this way constitute only a small item of the increased demands made by Legislative action on the general revenue fund, and the taxpayers should be fully advised on all subjects relating to taxation. To this end, appropriations made for other than the actual expenses of the Legislative, Executive and Judicial Departments should carry with them an express provision for the levy of taxes to meet each appropriation in specific terms, *i. e.*, the law should provide for the levy of a tax and the disbursement thereof in each case, in the same manner as the tax is levied for the use of the State Board of Health and for Pensions. This course would give the taxpayers a correct understanding of the purposes for which taxes are levied. The expenses of the Legislative, Executive and Judicial Departments could then be clearly shown at the actual figures required therefor, without having them mixed with appropriations for other purposes. The actual expenses of these departments could easily be paid out of the State license taxes alone, and still leave a large balance from that source that could be used for such other purposes as the Legislature might direct. In other words, the revenue from State licenses would pay all the expenses of the Legislative, Executive and Judicial Departments, and leave

a good surplus without requiring the levy of one cent as a direct or ad valorem tax for that purpose."

From the Comptroller's Report the following summary is made to show the various disbursements made for the actual expenses of the Legislative, Executive and Judicial Departments of the State administration:

SUMMARY OF GENERAL REVENUE FUND.

| | |
|---|--------------|
| Balance | \$127,863.44 |
| Direct Tax, 1904, 1905, 1906 | 189,432.12 |
| Other sources, viz: | |
| License taxes, | |
| Insurance license premium tax, | |
| Interest on State funds deposited in banks, | |
| Tax on commissions, | |
| Corporation charter tax, | |
| Sale of fertilizer and feedstuff stamps, | |
| Sale and redemption of tax sale certificates, | |
| Besides other smaller items | 572,491.90 |
| | <hr/> |
| | \$889,787.46 |
| There were disbursed | \$773,252.83 |
| For expenses of Legislative, Executive and Judicial Departments of the State admin- istration in 1906, viz: | |
| Salaries of Executive Department..... | 20,000.00 |
| Salaries Clerks Administrative Department.. | 33,438.22 |
| Salaries and expenses Auditing Department.. | 6,428.05 |
| Janitors, watchmen, repairs and miscellane- ous expenses at capitol | 5,239.17 |
| Contingent expenses Governor's office..... | 3,484.76 |
| Miscellaneous expenses traveling—incidental State officers | 5,580.51 |
| Departmental printing forms, blanks and general statutes | 31,880.92 |
| State Chemist, salary, expenses, etc | 8,786.99 |
| Salaries and clerical expenses Supreme Court | 24,974.25 |
| State troops, administration, salary, Adju- tant General's office expenses..... | 14,462.37 |
| A total of | \$154,275.24 |

And for other purposes, viz:

| | |
|---------------------------------------|--------------|
| For Educational Fund | \$108,652.66 |
| For maintenance of lunatics | 98,992.14 |
| For expenses of collection | 58,753.35 |
| For paying jurors and witnesses | 68,892.34 |
| For State and common schools | 117,433.72 |
| Other miscellaneous items | 166,253.38 |
| | <hr/> |
| | \$773,252.83 |

From the summary we see that the expense of conducting the State Government is not paid from direct taxes levied upon the people. Certain taxes are levied, it is true, but the proceeds of these taxes are devoted to other purposes than meeting the expenses of the administrative departments of the government.

The expense of conducting the State Government constitutes only a small part of the disbursements from the State treasury. If the strictly governmental expenses were the only items of disbursement required by law to be made from the State Treasury, then it would be unnecessary for the State to levy a direct tax. The expenses of the government proper would be easily defrayed by the receipts from licenses, from insurance companies, and from sources other than direct taxation. The special appropriations made by the Legislature for school purposes, and paid from the General Revenue Fund, alone aggregate considerably more than the amount collected from direct taxation for the General Revenue Fund.

Three-fourths of the State levy for each of the years 1905 and 1906 was for the Pension Fund, one-mill School Fund and the State Board of Health Fund, and can be used only for the purposes defined in the laws under which those funds exist. All of the expenses of collecting and administering the above-mentioned funds, and all other funds in the treasury, are paid out of the General Revenue Fund. The remaining one-fourth of the State tax levy was for the General Revenue Fund—from which, however, are paid all the expenses of the State Government, including all jurors, and all witnesses before the grand juries, the expenses of assessing and collecting all the revenues of the State for all of the funds, the salaries of all Executive, Judicial and Military officers of the State and all clerks and employes of the State, the interest on

the bonded debt of the State, the expenses of the Legislature, the special appropriations made by the Legislature for schools and colleges, the expenses of the Hospital for the Insane, the costs of arrest of fugitives from justice, all printing and all other appropriations made by the Legislature, unless otherwise specifically provided.

The State tax levy for the years 1905 and 1906 was as follows:

For pensions, 3 mills, for one-mill school fund, 1 mill; for State Board of Health fund, $\frac{1}{2}$ mill; for general revenue fund, $1\frac{1}{2}$ mills; total, 6 mills.

The receipts from the pension tax levy, about \$375,000 per annum, all return to pensioners in the different counties of the State.

The receipts from the one-mill school tax levy, about \$125,000.00 per annum, are all distributed to the several counties under the provision of the Constitution, without any deduction whatever.

The receipts from the State Board of Health tax, amounting to about \$60,000.00 per annum, all go to the payment of the expenses incurred by the State Board of Health.

All of the commissions paid to the Tax Assessors and Collectors, and all other expenses of collecting the funds arising from the foregoing taxes, are paid out of the General Revenue Fund.

The receipts from the General Revenue tax levied for each of the years 1905 and 1906 amounted to less than \$200,000.00, and this goes into the General Revenue Fund; but from this fund appropriations for schools alone, amounting to \$202,500.00, were made for year 1905-06; and further appropriations for schools amounting to \$22,500.00 were made for the year 1906-07.

Thus it will be seen that while a tax levy of $1\frac{1}{2}$ mills is nominally made for the General Revenue Fund for each of the years 1905 and 1906, none of the receipts from such levy are used for the ordinary expenses of the State, since, in addition to paying all costs of collecting and administering all the funds above mentioned, more money is taken from the General Revenue Fund for schools alone than goes into it from taxation.

FLORIDA STATE TROOPS.

It is a matter for congratulation to the people of this State that the organized militia of Florida is being rapidly put upon an efficient basis, and brought to a standard which will compare with the volunteer soldiery of other States.

The militia is an important and necessary State institution—a branch of the Executive Department which is relied upon to enforce the law when all other means have failed. It is now also accepted to be in fact, as well as in name, a part of the National Guard, and is recognized as the bulwark of our national defense.

The Federal Government is annually making more liberal appropriations for the purpose of uniforming, arming and equipping the militia; but as it is in its true sense a State institution, composed of citizens of the State who voluntarily give their time and services, it devolves upon the State also to furnish such means as are necessary to make the organized militia an effective military force.

The Constitution of the United States gives Congress the power to provide for organizing, arming and disciplining the militia; but to the States are reserved, respectively, the appointment of all officers and the authority of training the militia according to the method which has been prescribed by Congress.

The duty of training and administering the affairs of the militia, therefore, devolves upon the State, and a full investigation of the needs of the Florida State Troops, and consideration of such recommendations as have been made for promoting their efficiency, convinces me that the following legislation is required:

1. Appropriations for annual encampments.
2. Provision for the establishment and construction of a State Arsenal and general military headquarters at some central point.
3. That a permanent camp site for the troops be acquired (a commission for the location of such site having been appointed pursuant to an Act of the Legislature of 1905).
4. That provision be made for such amendment to the

Military Code as will place the Quartermaster General, or other proper officer of the General Staff, on duty continuously at military headquarters, and in charge of the supply departments.

5. That such action be taken as may be necessary to consummate the purchase of the Franklin County Armory, at Apalachicola, appropriation for which was made under an Act of the Legislature of 1903.
6. That the policy of gradually acquiring suitable armories in such of the larger cities as are likely to remain permanent posts of the troops be adhered to; and, that only suitable and adequate buildings may be secured, it is recommended that an "Armory Commission," composed partly of competent military officers, be appointed, under whose supervision and direction armories shall be built, rented and managed.

In discussing the above recommendations, I would say that there is annually appropriated by the Federal Government, for the purpose of arming and equipping the militia of this State, about twenty thousand dollars, and this amount has frequently been supplemented by other special appropriations. To entitle the State to receive this appropriation, it is required under Federal law that the troops shall annually engage in an encampment for instruction. To fail to meet this requirement, or to forfeit the State's right to participate in the appropriation made by Congress, would deprive the troops of the means of securing necessary uniforms and equipments—all of which are, at present, obtained through this source.

The acceptance of military stores—including ordnance, clothing, quartermaster's supplies, tentage, etc., constitutes an agreement upon the part of the State to furnish the necessary means of protecting and caring for such stores, and of accounting for them under the system of discipline prescribed by Congress. The essentials would appear to be:

- 1st. A State Arsenal, where these stores can be kept in bulk, etc.;
- 2d. Suitable armories at the various posts, where the uniforms and equipments which are in the hands

of the troops may be cared for and protected; which armories must be either built by the State or rented; and

- 3d. The appointment of a proper military officer to take charge of all public military property, either of the United States or State, and to administer it under the system prescribed by law.

The added importance which has been given to the Military Department under the provisions of recent National and State legislation, and the new duties which are involved, make it practically impossible for one officer to discharge them. In nearly every other State the supply departments are under the direction, control and supervision of an officer other than the Adjutant General, the duties of the latter being entirely separate and distinct; and this arrangement is most strongly recommended to insure a proper administration of the State's military affairs.

Your attention is respectfully invited to the recommendations upon these various matters contained in the annual report of the Adjutant General, a copy of which is transmitted herewith, together with the reports of the other administrative departments.

And in making the foregoing recommendations, I desire to call your attention to the following considerations:

I believe, under the conditions surrounding us in this State, that the organization of an efficient and well trained and officered militia is a governmental necessity, and as such, should receive your earnest support and encouragement.

The good order in the several States of the Union is due, in a marked degree, to the presence of an organized and well-trained militia. We have found that, in the proper protection of life and property and the preservation of good order, a military organization is a necessity, and although we hope that it will be our good fortune never to require its service, we agree that when needed, the value is incalculable.

I know of no method by which we could secure the same amount of confidence in the continuance of these conditions so well or so economically as by the maintenance and encouragement of our citizen soldiers. This protection and sense of security and safeguard for the future

we maintain at a cost of \$30,000.00 per annum, a sum which appears insignificant when compared to the loss and damage to property and perhaps loss of life by the failure to have at hand such a strong arm to aid the maintenance of lawful authority, and for the safety of life and property, should the occasion arise. This sum, otherwise spent, would furnish but forty peace officers—less than two in each of those towns and cities now maintaining military companies. The comparison may be extended still further, for while the entire military establishment or military branch of the State Government, including clerk hire and office and armory rents, costs less than \$30,000.00, the amount appropriated for the actual training and practice of the militia is only about \$15,000.00 a year, which, if the force is kept at its average maximum of 1,500, would be only \$10.00 per man. What other civic constabulary (for such the State Militia really is), or what other instrument or element of authority could be possibly maintained at many times this cost and be even half as efficient and ready, or as potential when called upon to exercise its power under the law? In your consideration of this important matter, I wish to remind you that under the operation of the National Militia Act of 1903, and subsequent legislation supplemental thereto, this is the last year of the probationary period given for the purpose of raising the standard of the State Troops to meet the requirements of that Act, and I am assured by those actively engaged in military duties, and competent to judge, that the Florida Militia need have no apprehension or doubts upon this score, if you will continue to give your support and encouragement to and meet the real needs and demands of your military organization.

STATE ARSENAL.

I deem it of the utmost importance that you should provide for the erection of a suitable State Arsenal at some central point in the State, both for the economy involved in the handling and safe keeping of the State's military supplies and equipment, and for the additional security that would be furnished for the protection and safe keeping of such stores by the military organization stationed at such point. The present condition is intolerable and dangerous, as the military stores, arms, ammu-

nition and equipment are without sufficient protection, being stored in the basement of the capitol, and of easy access to the public.

FRANCHISE TAX.

I recommend the enactment of a law authorizing the levying of a tax upon franchises. It may be contended by some that a franchise, being an intangible type of property, is difficult for the Tax Assessor to levy a tax upon; in other words, that it is not something a Tax Collector can take possession of and sell, in the event the taxes levied are not paid by the owners of the franchise. Such a contention, if made, would be erroneous—such reasoning would not be sound.

In most of the States where a franchise tax is collected, the franchise is assessed together with the tangible property used to carry on the business for which the franchise was granted. In some States, the tax is levied upon the franchise, independent of the tangible property.

Franchises are valuable, and they are taxable. In some instances, the franchise is the most valuable portion of the whole property, and it is unfair to persons owning tangible property in this State to make such property bear all the burdens of government directly, thus making the franchise held by some one else and bearing no portion of this burden of taxation, more valuable.

If the argument that a franchise tax cannot be collected on account of constitutional prohibition is advanced, I call to your attention a decision of the Supreme Court of the United States, 199 U. S., S. C. (L. C. Ed.), page 65, where the court, in discussing the case before it, cited with approval the following language:

"In the complex civilization of today a large portion of the wealth of the community consists in intangible property, and there is nothing in the nature of things or in the limitations of the Federal Constitution, which restrains a State from taxing at its real value such intangible property." * * *

"It matters not in what this intangible property consists, whether privileges, corporate franchises, contracts or obligations. It is enough that it is property which,

though intangible, exists, which has value, produces income, and passes current in the markets of the world.

"To ignore longer this intangible property, or to hold that it is not subject to taxation at its accepted value, is to eliminate from the reach of the taxing power a large portion of the wealth of the country."

This was a case of the Metropolitan Street Railway Company vs. Tax Commissioners of New York, involving the constitutionality of the New York statute taxing franchises. The court decided that the tax did not conflict with the provisions of the Constitution of the United States, as an impairment of the obligations of contract, and upon the contention made in this and other cases decided at the same time, that the valuation of a franchise was mere guess work and speculation which did not constitute due process of law, the court held that the contention was without merit where the valuation had been made by the State Board of Tax Commissioners to which the owners of the franchise had been required to furnish a written report and notice given and hearing accorded the owner of the franchise and power of review of the actions of such Tax Commissioners lodged in the courts. I will illustrate, as best I can, what value a franchise may have: That it adds value to the tangible property; that it costs nothing to keep up, and its value increases with the population and trade of the locality in which its privileges draw increasing dividends, year by year.

You may, for example, find in this State street car lines upon which yearly dividends are being paid, amounting to almost the total value of the tangible property. What makes it so valuable? It is the franchise granted by the political power of the cities, towns or State, for long periods of years, or indefinitely, generally, protecting the corporations holding them from competition. Perhaps during that time the tangible property might not bring, at public auction, one-fourth of what the franchise itself would bring.

This State grants hundreds of privileges, franchises or rights yearly, some of which are very valuable, some of no value whatever. They should be carefully investigated by the Tax Assessors or some other taxing board, and should be assessed according to their real value, based upon such written reports and hearings and investiga-

tions as may be provided by your body. For instance, we have granted franchises to railroad companies. For the purpose of demonstrating the value of these franchises we will consider the cost of the tangible property of the three large railroad systems in Florida; counting the cost of construction and equipment, and the franchise of each, that we may have a clear understanding of the value of the two classes of property, tangible and intangible. These three large railroad systems, each more than 500 miles in length, are each of them built and equipped at a cost of about \$12,000 a mile. Two of them are stocked and bonded for about \$28,000 a mile, the other for about \$45,000 per mile, and in fixing traffic rates the Railroad Commission must, by the decisions of the highest courts, take into consideration not only the value of construction and equipment of \$12,000 per mile, but the bonded and stocked value of \$28,000 and more per mile. The public, therefore, is paying dividends upon \$28,000 a mile, instead of upon \$12,000 a mile that it cost to build them. Who pays these dividends? The people who travel, and the farmer, mill man, lumberman, turpentine operator, merchant and every other producer who ships the output of the various industries of this State or who receives freight over any of these railroads. There is deducted each year from the gross receipts of the railroad so much for operating, maintaining and equipping, and generally another charge is made for betterments. After these sums are deducted, the amount remaining is placed to the dividend account.

From the figures given by the railroads of Florida for the twelve months ending June 30, 1906, their total gross earnings during that time were \$13,826,328.73, and their total operating expenses were \$9,631,840.92, making the total net earnings or dividends from the railroad business \$4,194,688.01, or 30.3 per cent. of the gross earnings. These reports show that there is in the State of Florida in operation, 3,880 miles of railroad. Their net earnings or dividends would then average about \$1,075 per mile, or a dividend upon each mile of railroad of 8.9 per cent. This is for all the railroad mileage of the State, including switches and side tracks. The larger systems pay a much large dividend upon that basis, but that basis is less than the facts will warrant, and that the Legislature may know that I am not merely guessing that some of the large railroad lines of the State pay a much larger

dividend than the above would indicate, I will quote you some excerpts from the testimony and from the language of the brief in the case of the Seaboard Air Line Railway, plaintiff in error, vs. the State of Florida, and the Atlantic Coast Line Railroad, plaintiff in error, vs. the State of Florida. The above were cases where the Railroad Commission was endeavoring to fix a phosphate rate in this State, and which rate, as fixed by them, was subsequently upheld in a decision of the Supreme Court of the United States. Mr. McIver, the auditor of the Atlantic Coast Line Railroad, after he and the superintendent of that line had both testified that the business done in Florida by the A. C. L. for the year ending June 30th, 1903, was much better than it was under the Plant System for the year ending June 30, 1902, both stating positively that the business was greater, when shown the report of the business furnished the Railroad Commission by that company, both reports having been made out by Mr. McIver, and the report for the year ending June 30th, 1902, showing the gross earnings to be \$4,150,481.26, and that the report of the same line ending June 30th, 1903, was but for \$3,331,967.16, and when asked how he accounted for it, after both had sworn that the business done for the latter year was much better, said that that was on account of their method of bookkeeping, and that those reports did not show the business done in Florida, but only showed what the tonnage of freight hauled in Florida amounted to, when the average rate per mile per ton, for the whole system of railroads owned by them, which extended into Georgia, Alabama, the Carolinas and Virginia. And it further developed that the rate per ton per mile, over the whole system, was less than one cent per ton per mile, but that in Florida, the actual amount per ton per mile was three and one-half cents. Now, instead of tripling, if we only double the price per ton per mile in Florida, as allowed by them, for the line outside of Florida, an increase of more than \$6,000,000 profit per annum should be added to the above amount of \$4,194,688.01, as shown according to their reports made to the Railroad Commission, for the several railroads in Florida, and it would mean that instead of dividends per mile, for the average railroad in Florida, being \$1,075, it would amount to two and one-half times that amount, or their reports would show more than ten million profits, instead of slightly more than four million profits, as they do now.

That portion of the \$28,000.00 of the stocked and bonded valuation of the railroads, per mile, as fixed by them above the \$12,000.00 that it cost to build them, or \$16,000.00 per mile, constitutes the value of the franchise upon which the public pays dividends. Why should not this portion of the roads' value pay taxes? Georgia collects about \$200,000 a year in taxes upon franchises. The States of Wisconsin, Michigan, New Jersey and Indiana assess the franchise, roadbed and rolling stock together, and collect a franchise tax that way; Indiana assessing some railroads as high as \$233,000 per mile.

In view of these facts, and the further fact as set out heretofore, that the traffic of the State must pay to these railroads a reasonable dividend upon the stocked and bonded valuation of \$28,000 per mile, or in other words the Railroad Commission of Florida cannot legally fix a rate of passenger and freight tariff which will not pay a reasonable dividend upon this vested property of the railroads in the hands of their stockholders and bondholders, I deem it but just and right that a franchise tax law be passed, subjecting the value of these corporations to assessment and taxation, and the same argument and reasoning applies to any other franchise or privilege of value given in the State.

I therefore urge that a law be enacted making franchises taxable at their real value, and taxed as other property, either together with the tangible property used in connection with the franchise, or separately.

RAILROAD LEGISLATION.

In discussing the question concerning the operation of railroads in this State, I do so with a full realization of the mutual obligations and dependence which exist between the railroads and the public.

Unreasonable and onerous burdens should not be laid upon these corporate enterprises which have so materially and especially developed the resources of our State. The subject is one of vast importance and many details, yet of very simple general principles. No effort should be made to place unnecessary and captious restrictions upon the railroads. Their promoters and owners are entitled to reasonable and legitimate returns for the investment and

enterprise and faith in the future of the State. Yet with all this, let us not forget that the people were not made for the railroads, but the railroads for the people, and what I shall say on this subject will be from the sincerest conception of my duty to the people who are looking to you for such wise and patriotic action concerning these important matters as a perfect system, equitable and just to the people and corporations alike, shall demand.

RAILROAD COMMISSIONERS.

I again recommend, as I did to the Legislature of 1905, that the Railroad Commission be made a "constitutional branch of the State Government." I do this because I believe there should be no uncertainty about so important a branch of the State Government; but that it should become more firmly fixed in our system of State administration. The work of the Commission has been of untold advantage to the State, and every step should be taken which will serve to increase its force and effectiveness in the problems confronting it. It should be given power to compel the use of suitable and adequate rolling stock for the passenger traffic, and additional power as to the furnishing to shippers sufficient freight rolling stock, and to enforce the regulations of the State Board of Health made for the proper sanitation of passenger cars and depots.

PHYSICAL CONDITION OF RAILROADS.

In view of the very serious conditions brought about by the lack of physical equipment of many of the railroads in this State, and the consequent loss and damage to the business, and the loss of life and the increased danger to passenger traffic, I also deem it proper to repeat my recommendation to the Legislature of 1905 in regard to empowering the Railroad Commission to make suitable provisions for the inspection of the physical condition of the railroads in this State. I believe that had the Legislature passed the bill upon this subject introduced at the last session, the railroad traffic could never have gotten into the condition which has existed for the past year and more in this State. The railroad

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companies themselves, in their defense in the hearings before the Railroad Commission, have set up their lack of equipment and defective physical condition as a reason for the freight congestion and the inadequate, irregular passenger service maintained by most of them. I therefore again recommend that the Railroad Commission be authorized to employ a competent civil engineer, who shall be an expert in values of railroad property, to inspect the physical condition of the roadbeds, tracks, stations and rolling stock of the railroads of the State, and that the Railroad Commission be empowered to make such rules and regulations and orders based upon such report as may be necessary to enforce the maintenance by the railroads doing business in this State of their roadbeds, tracks and rolling stock in such condition as to safely and adequately and with reasonable dispatch discharge their duties to the public as common carriers.

I also would recommend in this connection that the railroad companies doing business in this State be required to make a report to the Railroad Commission, every six months, of the number of engines and cars of the several classes and kinds, and their condition and location, and the amount of their terminal trackage and transfer facilities. Such reports to be used as a basis for determining the adequacy of their equipment to discharge their duties to the public as common carriers for the next six months. And the Railroad Commission should be given power, when such reports and the report of the engineer show that the equipment and facilities of any railroad are inadequate to properly discharge its duties under its charter to the public as a common carrier, to require such railroad company to make such addition to its rolling stock, trackage, or other equipment as may be necessary to properly and expeditiously handle the traffic offered it. And upon the failure of any such railroad company to comply with such order, except upon good cause shown, to have such deficiencies in trackage, equipment or maintenance supplied, the same to be a first lien upon the franchises, rolling stock and equipment of the railroads so in default, and that these properties be made subject to sale for the payment of such charges and liens.

The report of the engineer as to the value of the railroad properties of the State would put the Railroad Commission in position to know the value of the railroads, when they are establishing rates for transportation. The railroad companies in the litigation arising from the orders fixing rates now have the advantage of the Railroad Commission, the latter being without a guide to the values, except the statements of the railroad officials themselves who may value the roads at an extravagant figure, against which the Commission has no check, as its the case in the Louisville & Nashville Railroad suit, now pending before the United States Court at Atlanta. The Railroad Commissioners are powerless to show the value of the road except by the showing of the railroad company, when they should be prepared to prove by an experienced engineer the real value of the road.

The power of the Railroad Commission as to the enforcement of the rules and orders in regard to the payment of demurrage for delayed freight or supply of freight cars upon such conditions as it may prescribe, should be ample and effective, and in the recovery of fines and penalties imposed by the Railroad Commission, a law similar to the present "Stock Claim Law" should be passed allowing the recovery of twice the amount of such fine or penalty, together with attorney fees, where it is necessary to bring a suit to recover the same.

I recommend the enactment of a law requiring the railroads to make annual reports to the Railroad Commission of the actual amount of local business done, both freight and passenger, in Florida, the amount of interstate business done by them, and Florida's proportion of the freight and passenger business so done and a statement to show in tons, or carloads, or packages, and amount of money paid for same, and empower the Railroad Commission to investigate the accounts, if they doubt the accuracy thereof, by summoning before them to testify any officer of the railroad, or other person, who may have knowledge upon the subject.

The convenience of the traveling public requires a closer observance of schedules, or at least more reliable information to the public as to the whereabouts of trains and the time of their arrival at the various stations along the route.

In every town along the route of any railroad of 1,500 population, where the station is situated away

from the business center of such town, the railroad should be required to post in some public place in such town, as well as at the depot, the time of arrival and departure of its trains from its stations at least one hour before its schedule time, and if such train is running behind its schedule, how late it is. The public has a right to such reliable information in regard to the running of passenger trains upon the various railroads of this State as will not require persons to spend from one to five hours at stations waiting for delayed trains about which they can get no definite information from railroad agents and employees at such stations.

I would further recommend that a statute be passed prohibiting the railroads operating in this State from keeping any employe in continuous service, either as engineer, conductor, brakeman, flagman, station agent or operator, for more than sixteen consecutive hours; and that no such employe, after sixteen consecutive hours of service, shall be permitted to again go on duty without having had at least ten hours off duty; except in cases of emergency, such as accidents or wrecks, or delayed schedules.

And that the average number of hours daily service for station agents and operators should be limited to not more than ten hours per day, especially as in many cases the station agent is also operator, and charged with the duty of dispatching trains, and in some cases also bridge tender. I have in mind one instance upon a railroad in the State where the station agent is operator, and bridge tender also. This agent goes on duty at 5 o'clock in the morning and, if the trains are on schedule time, he gets off at 10:30 o'clock at night; and this man working seventeen and a half hours a day is charged with the duty of seeing that his bridge is in condition for the safe passage of six or more passenger trains during this time.

I would further recommend that no person less than eighteen years of age be permitted to perform the duties of train dispatcher or railroad telegraph operator upon whose messages trains are dispatched or handled.

The records of the Railroad Commission show that for the twelve months ending June 30, 1906, there were killed by railroad accidents in this State fifty employes and nine passengers, and four hundred and thirty-seven employes and passengers injured.

It is therefore your duty to throw every safeguard and protection to the public around the lives of those employed in the railroad traffic of this State, as well as the traveling public, and no reasonable precaution should be neglected which will afford this protection.

You should pass such statutes as will make it mandatory upon the nearest justice of the peace, acting as coroner, to proceed immediately to where any person has been killed in any accident or train wreck, and to hold an inquest and ascertain the cause of such accident, and who is to blame therefor.

I also renew my recommendation that the Railroad Commission be authorized and required to investigate, through its engineer, the cause of all railroad accidents resulting in the death or injury of any persons, and that such report be filed in the office of the Railroad Commission, and that the Railroad Commission be authorized to ascertain by such investigation as may be necessary the safest and most approved switching device for use on the railroads in this State, and that they be empowered to require its adoption by the railroads operated in this State, and that the Railroad Company be required to report immediately all railroad accidents causing loss of life or injury to persons or damage to property on their lines, showing number of persons killed and injured, and amount of property destroyed, and also report cause of such wreck or accident.

I would further recommend that the express companies, the telegraph and telephone lines of the State be placed under the jurisdiction of the Railroad Commission, with such powers as may be necessary to control the character and maintain the efficiency of the service, and to regulate the rates charged therefor.

As the Railroad Commission, in the discharge of its duties, is confronted with many important and serious problems as to the extent and application of its powers, it is entitled to the very best legal assistance obtainable, and, in view of the further fact that the railroads in their hearings before the Commission are represented by the highest legal talent, I recommend that the Railroad Commission be authorized to secure such legal advice and assistance as may be necessary to properly protect the interests of the State in the various proceedings and hearings in which they may be called upon to act.

This assistance could be provided by special assistants

to the Attorney General's office or by special counsel retained by the Railroad Commission, as may seem to you advisable. The rights of the public should be amply protected, and the Attorney General of the State, however able and well qualified he may be, and however conscientious and assiduous he may be in his devotion to his duties, cannot possibly do the work he is called on to do without your granting him some assistance.

In short, gentlemen, whatever law may be necessary to enable the Railroad Commission to compel the transportation corporations of this State to discharge their full duties to the public as common carriers should receive your favorable consideration, with no purpose in view of imposing undue burdens upon these corporations, and realizing to the full the mutual dependence which exists between the railroads and the public.

ISSUE OF STOCKS AND BONDS BY RAILROAD COMPANIES.

It must be apparent to the casual observer that the statesmen of our country have lacked the foresight to protect the citizens against what may have seemed to be a very remote contingency, but one that has, nevertheless, become real and imminent in almost every instance. I refer to the issue of stocks and bonds by railway or other public utility corporations in excess of the amount of capital actually invested. In many instances railway corporations are stocked and bonded for many times the cost of the railroad, rolling stock and equipment. The danger of this practice in public utility corporations lies in the fact that the public commerce and traffic of the country is called upon to pay the interest upon these bonds, and reasonable dividends upon the stocks. With a private corporation the issue is one between the stockholder and the corporation, but it is entirely different with respect to public service or utility corporations, as the dividends on the stock and the interest on the bonds must be paid out of the earnings derived from the business of the corporation, and as it is a fact that a railroad is a public service corporation, and as the courts seem to have, at least impliedly and qualifiedly, established the principle that neither the Railroad Commissioners, by their tariff schedules, nor the Legislature by direct enactment, can reduce the rates for freight and passenger transportation below the point where the business

of the corporation, if conducted by the tariff, will not pay a reasonable dividend upon the stock and the interest upon the bonds of the road, therefore, it is not only the right of the public through its Legislature to prevent by law any inflation of the valuation of the railroad or other public service corporation hereafter chartered in this State above its actual cost, but it is also their right and duty to prohibit through legislative enactment any further inflation or "watering" of the stock of those roads already chartered and in operation except for actual betterment of the physical condition and equipment of the railroads to enable them to more expeditiously and adequately discharge their duties to the public under their charters. Upon the same principle the expenditure for maintenance and equipment should be so supervised and controlled as to prevent extravagance and unnecessary expense and exorbitant salaries to administrative officers and attorneys or other special agents.

To this end I therefore recommend that a law be enacted authorizing the Railroad Commission to investigate the prices paid for all materials and labor used in operating or maintaining the railroads, so that a reasonable rate can be established for transportation charges upon the basis of a reasonable and legitimate, rather than the actual padded cost of operation of the road. As the public purse is called upon to pay all of the bills incurred, and dividends besides, it is but right that the Legislature, the representative of the people, should protect the people against the payment of exorbitant salaries to attorneys and officers for maintenance and equipment, and it should be the fixed policy of the State to require, by law, that the value upon which dividends are to be paid by the public shall be the actual cost of the corporation property. And a law regulating the issue of stocks and bonds by corporations, modeled upon that of those States where it is in successful operation, should be passed by this Legislature.

I would not be understood as recommending the lessening of wages paid to any employe, but would recommend that the railroads be prohibited from paying less than the average wage paid to laborers and employees of other corporations or individuals of the same class of labor or employment.

As I have, in another part of this message, called your

attention to the necessity for a franchise tax law, I submit the following facts concerning three railroads in Florida, simply to illustrate one way of viewing this subject matter: Those acquainted with railroad building in the State of Florida know that the average price for grading and tying has been about \$2,200 per mile. They know that steel has been as low as \$17 a ton, and as high as \$28 a ton, and that at \$28 a ton the 60-pound steel rail, for one mile of track, will be \$2,956.80, and we will add for fish-plates, bolts, spikes and for laying the track and leveling \$2,000 more, making \$7,156.80 per mile; but suppose we say that it costs \$8,000 per mile to build the average mile of railroad in Florida, and that railroad has 500 miles of track, and that it costs for passenger cars, freight cars, express cars, engines, etc., \$4,000 per mile, or \$2,000,000. We would then have a cost of \$12,000 per mile. In making the estimate of cost of rolling stock, engines, etc., I have quoted prices prevailing in 1898, as no railroad 50 miles long has been built in Florida since that date.

I estimate about 24 engines, at cost of about \$11,392 each; 40 passenger coaches, at cost of \$6,315 each; 300 box cars at \$500.43 each; 300 freight cars at \$300 each; 20 baggage and express cars, at a cost of \$60,000; 10 combination cars, at a cost of \$40,000; added together, this would make \$866,137, leaving \$1,133,863 for stations, warehouses, etc.

In other words, a railroad in Florida, 500 miles long, it is reasonable to estimate, would not cost more than \$12,000 per mile to build and equip, ready for receiving freight and passengers. Here we have 500 miles of road, all equipped and ready to run, at a cost of \$6,000,000, which should appear upon the tax books at the same rate, in proportion to its value, as other property. We would expect to pay freight and passenger rates sufficient to pay reasonable dividends upon the six million dollars after all other expenses of operating and maintaining and paying of all taxes, etc., are deducted from the gross receipts. But instead of finding the main trunk roads of the State valued by the railroad companies at \$12,000 a mile, they are stocked and bonded at about \$28,000 to \$5,000 per mile, and they are demanding that the tariff for the transportation of freight and passengers shall be great enough to pay reasonable dividends upon a valuation of \$28,000 per mile. I will cite the

case of the Florida East Coast as an example, and all other trunk lines in Florida are stocked and bonded in about the same proportion.

The Florida East Coast Railroad has recently filed a bill against the Railroad Commissioners, before Judge Locke, in the United States Court at Jacksonville, Florida, to enjoin the Railroad Commission from putting into effect the passenger tariff of three cents per mile, claiming that the railroad company, last year, lacked a small amount of paying dividends on its \$28,000 a mile stocked and bonded valuation.

Why should the public be called upon to pay dividends on any sum, as the valuation of a railroad, above \$12,000 a mile, or whatever the actual cost may be? It may be said that the railroad company has issued bonds or stock to the amount of \$28,000 a mile. We will admit that, but why should they not, with the same degree of right, issue stock or bonds to the amount of \$100,000 per mile, and demand that we pay dividends upon that? What is it that is of value between the \$12,000, its cost of construction and equipment, and the \$28,000, its bonded and stocked valuation? Upon what do they base the issuing of stock and bonds? Is it the franchise or right granted them to do business in the State as a common carrier? If this privilege, right or franchise, which has cost them nothing, is worth to them for dividend purposes \$16,000 a mile, for the length of the road, why is not that the value of the franchise per mile? It should be borne in mind that railroad stocks and bonds are a preferred class of property, as viewed by the courts of the country, as the courts have determined that neither Railroad Commissions nor the Interstate Commerce Commission can reduce the rate of transportation below that point where reasonable dividends would be paid upon the value of the property, after all the expenses of keeping up and maintaining the road, rolling stock, etc., in good order, are deducted. Then it becomes the business of the people to see what kind of cars, and what condition the cars shall be in, what kind of a railroad, and what its condition shall be, as they pay the bills and the dividends, too.

No one complains that the tariff shall be sufficient to pay reasonable dividends, after reasonable expenses shall be deducted for operating and maintaining the roads, but why shall they pay dividends upon \$16,000 a mile in excess of the \$12,000 a mile that the railroad cost? They

have not only issued stock and bonds for \$16,000 a mile more than the railroads cost, but, so far, that portion of the value has been exempt from taxation of any kind. As it cost them nothing, and costs you as much in dividends per thousand dollars as any other portion of the cost of the railroad, why should it not pay taxes? Georgia raises more than \$200,000 a year from her franchise tax. In Wisconsin the railroad and its franchise are valued together, and also in Michigan, Indiana and New Jersey.

While this argument is valid and correct in view of the existing conditions and the holding of the courts as to the power of the Railroad Commission in fixing rates, yet in recommending a franchise tax law, I do not by any means justify the inflation of the values by stock and bond issues because of the fact that this value might be taxed as the value of the franchise, as the dividends and interest which the people must pay upon this increased value would be far in excess of any franchise tax that could be collected, and would be "robbing Peter to pay Paul," with a vengeance.

EDUCATION.

COMMON SCHOOLS.

In regard to this important subject I can say but little more than was suggested in my message to the Legislature of 1905. The importance of conscientiously and carefully considering the needs of the common schools of your State cannot be overestimated. The work of those connected with the Department of Education and the system of common schools throughout the State is entitled to your highest encouragement and commendation. I am especially interested in the opportunities which our common schools afford to the youth in the rural districts and in the sparsely populated counties of our State, and I am gratified to learn from the State Superintendent of Public Instruction that percentages of attendance and enrollment have increased, especially in these districts and counties, and that the average school of the 80 per cent attendance law, passed by the last term has increased to 100 days, and that the operation Legislature, has been most gratifying to him and helpful

to the schools which it was intended to assist. About 12 per cent of the schools of the State have qualified to receive its benefits. The State Superintendent informs me that if sufficient teachers, properly qualified, had been available in the beginning of the school year of 1905-06, that its benefits and the increased attendance would have been much more marked, and I urgently recommend that a sufficiently liberal levy or appropriation be made to meet the applications for the provisions of this act wherever needed during the next two years.

Too much consideration cannot be given to the subject of our public schools and their needs, and while we should not neglect the demands of higher education in the State, we should primarily consider the needs and demands of the common schools, for it is here that the vast majority of our future citizenship must look to receive their equipment for the duties of life, and nothing should be left undone to meet this demand.

Especially should the demand for earnest, qualified teachers, imbued with high ideals and devotion to their calling—second to none—receive your consideration, and every reasonable means employed to raise the professional standard and the PAY OF TEACHERS, ESPECIALLY IN THE RURAL SCHOOLS. If there must be a difference in the qualification of teachers, let rural schools have the benefit of it, as the results of inefficiency are much more serious here than in the city or graded schools. In other words, the work of a teacher is likely to be more effective in a graded school, where she or he is in contact with other teachers, and can observe other methods and standards, than it would be if in a one-teacher country school, away from opportunities of comparison and observation. But this sort of teacher is in demand, and it will be only by making their salary adequate that their services can be secured. I would suggest for your consideration, State aid for the salary of teachers of certain standing and proficiency in RURAL SCHOOLS.

The success of the consolidation of country schools into rural graded schools, where it has been attempted, is very marked, and should be adopted wherever the means of transportation make it practicable. By this means the public in country districts have the same advantages as the pupils in the graded schools in the city, as they do the same work, follow the same class organiza-

tion and pass directly from the rural graded schools into advanced grades of the city graded or high schools—a result very nearly impracticable in the one-teacher, ungraded country school. The work of the schools throughout the State should be systematized and graded as nearly as possible in regard to quality of work done and methods and studies pursued. Such a system would be of mutual benefit to teachers and pupils throughout the State.

Second only to the elementary schools of the State in importance is the common high school, aptly termed the "People's College," which will be the final school of hundreds of our future citizens who have the ambition to go beyond the ordinary rural or graded school, but not the means and the opportunity of attending either State-owned or private colleges. In the public high school the boy or girl of ambition, ability and opportunity, such as is not enjoyed by many of the less fortunate children of the State, spend from two to four years of their lives when their characters are most readily and firmly moulded, and without which the best elementary education must needs be lacking, in fitting the student for the practical duties of life. Having made adequate provision for the elementary schools, it is imperative, both for general reasons and for reasons more or less peculiar to our own State, to make such provision for the common high schools as will serve to effectually develop all the faculties of their students, both mental and physical, and to this end I would recommend that a liberal appropriation be placed at the disposal of the State Board of Education or the Board of Control for the establishment or the equipment and maintenance of manual training departments, in co-operation with the local school authorities, under such regulations as the Legislature may see fit to impose, in junior and senior high schools of recognized standard; such department to be open, as far as possible, to the pupils of the lower grades in such institutions. And I desire again to call to your attention certain views in regard to the common school system of the State, as appears in message to the Legislature of 1905, as follows:

"I believe that it would encourage and arouse the ambition of scholars and teachers of every school in the State, if they were to have placed before them the standing and work accomplished by the other schools in the State

doing the same grade of work, and that it would be an aid to uniformity of the work accomplished and the methods used. Therefore, with a view to intelligently accomplishing this purpose and determining its feasibility, I would recommend that with their regular report for the last month of their school, the teachers be required to make a report to their County Superintendents of Public Instruction throughout the State, showing the standing of each class, in each study, and all other data necessary to show the progress and work of each class for the year; and further, that the teachers be required to report the number of children in each school district, of school age, the number enrolled, and the number not enrolled, together with the reasons for non-attendance and failure to enroll, and that no teachers be paid their salary for the last month of their school term until such report is filed. From this data much valuable information would be obtained upon the natural, and to my mind vital questions as to why only 69 per cent of the children of school age in our State are enrolled in the common schools, and why only 66 per cent of that enrollment are in attendance, and put the Educational Department and the various officers in a position to act intelligently in securing a feasible solution of this important question.

"These reports to be sent to the State Superintendent and by him compiled and tabulated and printed in his report, which I recommend be made annually instead of biennially as is now the case.

"The data in this biennial report requires the most careful study and consideration, and under the present method of issuing the report the Legislature will have adjourned before proper consideration can be given to those important matters contained in this report.

"I further recommend that printed copies of such part of this annual report as contain the reports from the various counties, showing the standing of the classes in each of the schools of the said counties, be issued in pamphlet form by the State Superintendent, and that a copy be furnished to each teacher in the State of Florida by the County Superintendents of their respective counties.

"As the best results in education, as in any other business, can be accomplished only by having some definite system or plan, I therefore recommend that a com-

mittee be carefully selected to examine the school laws regulations and rules of the various departments, for the purpose of formulating and codifying the school laws into a uniform system, embracing the whole scheme of our public education, from the common schools to our higher institutions of learning, with special reference to a more exact and accurate system of accounting and devising a proper check upon all school receipts and expenditures.

I also recommend that a conservative outline or course of study be devised and prepared for the guidance of our teachers and school officers, and as a standard for their work, by the State Superintendent, with such expert and professional assistance as you may see proper to furnish him, with a view to meeting the needs of the rural schools, as well as those more advanced in the larger towns and cities of our State.

ADOPTION OF UNIFORM SYSTEM OF TEXT BOOKS.

"Believing, as I do, that this uniformity of the educational system of this State is essential to its growth and protection, I therefore recommend the adoption by the State of a uniform system of text books for the State, thus enabling the reports I have suggested to be made with ease and accuracy, and affording at a view the standing of every school. The books and methods of adoption should receive your careful consideration.

"If the Uniform School Book System is adopted by you, the mode of selecting the best books to be adopted will be a very important matter, and I suggest for your consideration that a committee, composed of nine of the best educators in the State, be selected for that purpose as follows: One from each judicial circuit in the State, to be selected by the Circuit Judge of the circuit, together with the State Superintendent of Public Instruction.

"And that they report their selections to the Governor, as the Chairman of the Board of Commissioners of State Institutions, and that the Board of Commissioners of State Institutions advertise for bids for furnishing the books so selected, and that the company or companies offering to furnish the books through dealers in Florida

to the children for the least money shall receive the contract."

I believe the adoption of a uniform school book system in this State, besides the practical advantages it may have, as outlined above, will be a wise and economic measure, saving to the school children of this State from 25 to 30 per cent in the cost of school books.

I am aware that this is a subject much discussed, and about which there exists a variety of opinion, but I can see no *logical* or *economical* reason or argument against the adoption by the State of a uniform system of text books for use in its schools. Granting that the county adoption system has worked well, it is also in the hands and under the administration of mere human beings, and if this great cry of corruption in a State School Book Commission is correct, why is it not equally as true and forceful in regard to the county school boards? Is it possible that the State cannot expect and receive as high and as conscientious discharge of duties from its teaching force and those engaged in school work as can the counties in like circumstances? Any State school book commission or committee should, and must, be selected from those who are now teaching, or actually engaged in school work, and I am sure that the State may rest perfectly safe in expecting that same consecrated devotion to duty and integrity that they have displayed in their work in the counties. My purpose in recommending this legislation is not to secure the cheapest books, but the best books for the least money; best in text and treatment and mechanical work.

Why should the children of Florida pay more by 30 per cent for their school books than do the children of Georgia or Alabama, or Mississippi, or Texas, or any other State having State uniformity—using the same identical books? The school enrollment for 1905-1906 was 130,000. If the books for that 130,000 cost only \$2.00 per pupil, 30 per cent would mean a saving to the children of \$78,000 annually; but I am convinced that the expenditure for books is in excess of this amount per pupil, and consequently the saving would be much greater.

COMPULSORY EDUCATION.

When we consider that only 69 per cent of the children of school age are enrolled in the public schools of our

State, and that the attendance is only 66 per cent of that enrollment, it must necessarily make us pause and consider the proposition of compulsory education, and whether it is not our duty, even under the local conditions which make this measure so distasteful, to establish compulsory education, and I can no better express my views upon this subject than by quoting from the report of the Superintendent of Schools of North Carolina, where he says "The tendency of illiteracy is to perpetuate itself. The majority of illiterate children are the children of illiterates, and, perhaps, the descendants of generations of illiterates; and the intervention of the strong arm of the law is the only effective means of saving the children of illiteracy from the curse of illiteracy." "The taxpayer has the right to demand the intervention of the State which compels him to pay taxes for the support of schools, to secure to him the protection that he pays for against the ignorance of the child. If the State has a right to punish crime and vice, so often resulting from ignorance, it ought to have the right to take the necessary steps to remove the cause."

Of the forty-seven States, thirty-five have compulsory education, and these States are the most prosperous and flourishing of the Union, standing at the front in citizenship and morals.

The citizens of Florida should be the equals of any citizens of any State in intelligence and education. Shall the education of white children be limited because of the number of negro children that would be compelled to attend school?

IT SHOULD NOT BE.

The capacity of the white man's brain for development and education must not be limited by anything else than our power to provide training and opportunity.

HIGHER EDUCATION.

While it should be the care of the State to provide first for a system of common schools adequate to the needs of that very large percentage of her school population who will get their only training and preparation for the duties of citizenship in those schools, yet, such provision being made, it is, nevertheless, the duty of the State to make such provision for the maintenance and perfection

of a system of higher education as the material prosperity and growth of the State shall warrant and demand. In this connection, I strongly recommend to your consideration the wisdom of providing, by constitutional amendment, if necessary, a fixed limit of minimum and maximum tax levy to be made by the properly designated State authorities after a careful investigation and examination of their needs, for the support of the higher institutions of learning in this State. I make this recommendation because it seems to me that the State having established these higher institutions of learning as part of her system of education, the authorities charged with their maintenance should know approximately what means will be at their disposal for the use of these institutions, and thereby be enabled to make their plans and provisions for the work and progress of these schools without being hampered by the uncertainty which exists in Legislative action every two years. At least, if this not done, let the funds which the Legislature intends to be devoted to the uses of these institutions be raised by a direct levy of taxes and not by appropriation from the General Revenue Fund, as has been the custom in the past. The report of the Board of Control, the administrative body having the care of these institutions since the Buckman Bill, passed by the Legislature of 1905, went into effect, has been made to your body. It is a very detailed and complete record of the disbursements of all moneys which have come into their possession as such Board of Control, and shows a most accurate and careful system of accounting, giving in detail items disbursed for each of these institutions and the purpose for which expended. The operation of the schools under the provisions of this bill will be carried on much more effectively for the current year than for the school year of 1905-06, and the gentlemen constituting this board deserve great commendation for the faithful discharge of their very onerous, difficult and unremunerative duties.

STATE BOARD OF HEALTH.

Surely there is no more important care committed to you as representatives of the people of Florida than a

wise and prudent consideration of those matters which affect the health and the public sanitation of the State.

Since the Legislature of 1889, in special session, in its wisdom established the State Board of Health, it has amply justified the action of those who brought it into existence, and it has discharged the duties committed to it faithfully and effectively, and, on the whole, without serious local friction. You should give your earnest consideration to those matters which may be presented to you at this session in furtherance of the work of this very important department of State administration.

In several of the larger cities of the State there have occurred more or less serious outbreaks of typhoid fever during the past year. This, I believe, is entirely unnecessary, and preventable, when proper investigations are made as to the source of infection, whether of the water or milk supply, or other local conditions, and the necessary measures taken to remove such causes when found, and to prevent their recurrence.

The State Board of Health does not exercise its jurisdiction over health matters in such cases, except upon the request of the local health authorities, and it should be empowered to take charge of such conditions and to make such rules and regulations as may be most effectual in controlling and preventing such outbreaks of typhoid fever and other diseases.

The prevalence of cancer among the people of this country is increasing to an alarming extent, and I recommend that you authorize and empower the State Board of Health to make such investigation and research as they may be able with the means and opportunity at their command, to discover some treatment or remedy that will control and cure this dread disease.

The State Board of Health should be empowered to prescribe such rules and regulations for the fumigation and disinfection of sleeping and other passenger cars, and of sleeping and living apartments on boats or other means of passenger traffic, as medical science and the welfare of the public demand.

In order that the State Board of Health may intelligently and wisely consider the various problems of public health and sanitation which present themselves in the administration of the very important trust delegated to it, it should be in possession of complete and accurate vital statistics for the entire State. These statistics, under the

lax system now in force, they have not been able to procure, and have thereby been very seriously hindered and hampered in a careful study of the health conditions of the State. These statistics must form the basis for a careful study of health conditions and sanitary problems, and from them must be gathered the light for their future guidance in meeting the questions and difficulties presented in the course of their work. I believe this to be an important matter, and I therefore recommend that a statute be passed imposing severe penalties for the failure of physicians and others whose duty it may be, under rules and regulations prescribed by the State Board of Health, to make such reports as they shall require. In some portions of our State sewage and other refuse matter is disposed of through "sink holes," or underground water passages, which abound in those localities. The possibility of such methods or systems of sewage contaminating the water table from which the water supply of so large a portion of our State is drawn, should be carefully considered and investigated. I believe such methods of sewage disposal to be fraught with great danger to public health and safety. The State Board of Health should be empowered to require all plans or methods and systems of sewage disposal and water supply to be submitted to them for their expert investigation and approval, and no system should be installed or operated which does not meet the requirement of such rules and regulations as may be prescribed by them. And the services of an expert sanitary engineer, who should visit the localities proposing such improvements, and make thorough examination into the sources of water supply and such other investigation as may aid in determining the advisability and safety to health of the adoption of the proposed water or sewerage system.

You cannot afford, gentlemen, to sacrifice life and endanger public health through either lack of scientific information on the subject, or through negligence or indifference to public health on the part of the local authorities.

TUBERCULOSIS.

Statistics and recent investigations show that consumption, or pulmonary tuberculosis, prevails to an alarming extent, and claims many victims annually.

Its prevention and treatment have of late years, more especially, received the attention of medical men and

philanthropists in all parts of the world.

These investigations have shown that the disease is contagious, where proper sanitary precautions are not taken, and preventable, and in incipient cases, at least, curable under such precaution and proper treatment. In every instance where this subject has received attention and study, and provision has been made for its treatment according to the most advanced methods, especially in the larger cities, a remarkable decrease in the death rate has been shown.

The consensus of medical opinion now seems to be to erect a number of small buildings for the treatment of this disease, providing opportunity for outdoor life and hygienic living and little medication, rather than to segregate a large number of sick in one or more hospitals, which are costly to construct and expensive to manage.

No State, in my judgment, has more a mission to humanity in this contest with consumption than Florida. With her favorable climate and the opportunity afforded for outdoor living she is peculiarly fitted for such treatment and management of this disease as modern investigation and methods have demonstrated to be the most successful. She should open her doors to the sufferer from this dread malady, but not so indiscriminately or unwisely as to endanger the lives and health of her own people.

Persons afflicted with consumption should be promptly reported to the proper health authorities in order that such regulations as may be necessary to prevent the spread of this disease can be enforced and its location known. This should apply not only to the "stranger within our gates," but to the people of Florida as well.

In this connection I wish to call to your attention, and urge upon your favorable consideration, the offer of Dr. John E. Ennis, of Narcoosee, Florida, made to the State through the State Board of Health, and receiving their sanction and indorsement.

This philanthropic effort of Dr. Ennis is the first organized attempt to do anything for the unfortunates afflicted with consumption, whether towards strangers or natives, in Florida, and he has generously offered to donate to the State in fee simple this valuable property, provided that the State, through the Board of Health, will appropriate funds to adequately conduct the experi-

ment a sufficient time to determine the feasibility and practicability of such philanthropy.

The following extract from Florida Health Notes for December, 1906, published by the State Board of Health, must cause us to pause and consider our duty in the matter:

"Suppose your doctor were to tell you some day that you had tuberculosis, what would you do? Where would you go? How would you set about trying to get well? Would you stay at home and run the risk of infecting the rest of your family? If not, where would you go? Go off and infect somebody else? What would you do about it, anyway?"

STATE PARDONING BOARD.

No more difficult or unpleasant duties are conferred upon the Executive than those connected with the State Board of Pardons, which is empowered by the Constitution to grant commutation of sentences and pardons after conviction. This Board consists of the Governor, Secretary of State, Commissioner of Agriculture, Comptroller and Attorney General. Our Constitution has placed this important power in the hands of the Executive and these four administrative officers, rather than in the hands of the Executive alone, as is the case in many of the States.

Many cases come before this Board for their action. The circumstances which call for the exercise of the pardoning power are generally such as have arisen since conviction and sentence, and which present the matter in such shape as would probably have resulted in an acquittal if properly presented in the courts below at the trial. For some years the Supreme Court acted on the Board of Pardons, and in some instances granted pardons in cases which had been before them on appeal and which had been affirmed by them. Why? Because, while the requirements of a technical administration of the criminals laws had been met, yet there were such facts and circumstances surrounding the case presented to them as called for the exercise of clemency. It is the duty of this Board to take cognizance of these facts and circumstances, and to equalize justice so far as it is

possible. Then, frequently it is evident that the purposes of the law have been accomplished before the expiration of the sentence of the court, and it is then the duty of the pardoning power to exercise this clemency. The criminal law has no equity side, and the powers of the Pardoning Board are to be considered, therefore, as duties, and not as mere prerogatives. As the purpose of the law is the reformation of the offender rather than his punishment, it has been deemed wise in the exercise of this clemency to make liberal use of the power of granting conditional pardons.

The hope of securing release from the punishment imposed by law is an incentive to good behavior and complete reformation on the part of the convict, and when such pardon is granted the fear of being returned to prison life serves to deter him from a repetition of his offense. The power of the Board to revoke a conditional pardon for violation of any of its stipulations and to order the arrest and return of the convict to prison to serve the unexpired part of his sentence, has recently been fully and completely sustained by the decision of the Supreme Court in the case of *Horne vs. the State*.

In many States the power of suspending sentence in cases where the facts and circumstances seem to justify it, has been lodged in the judges of the trial courts; and from the reports of those who have observed the workings of this system, it seems with much success.

As required by law, a complete statement of all pardons granted, sentences commuted, fines and forfeitures remitted since the convening of the last Legislature is attached as an appendix to this message.

STATE CONVICTS AND PRISON SYSTEMS.

The care and proper treatment of the prison class is a problem of many and serious difficulties, about which there has been and will be much discussion and many experiments before an ideal solution of this vexed question will be reached. More and more each year are we coming to realize that the purpose of penal laws and prisons is not to revenge upon the criminal his offense against society, but to reform him and make him a bene-

ficial and producing element in the social system, rather than a charge upon it.

Under the law, the care of State prisons in Florida is placed under the jurisdiction of the Commissioner of Agriculture. In his ninth biennial report, now on your desks, he has fully and ably presented the many and complex problems which arise in the conscientious discharge of the State's duties toward the prison class. To this work the Commissioner has given not only a conscientious discharge of his official duties in connection therewith, but a zeal and devotion prompted by his large and ready sympathy with this unfortunate class; and his observations and recommendations in regard to this matter are entitled to your serious and careful consideration. I would especially call your attention to that portion of his discussion of this matter which treats of the leasing of the aged, the decrepit and the young, and the separation of the sexes, and recommend such legislation by your body as will enable the Board of Commissioners of State Institutions to properly regulate this matter.

CHILD LABOR.

No greater crime against the future is being committed in all this broad land than that which is perpetrated by using child labor in our industrial enterprises.

The struggle for success is becoming sharper and more pitiless each hour, and while it is true that this evil is less prevalent in our State than in some others, nevertheless, you should enact a child labor law at this session which will prevent the growth of this evil and effectually check and crush out such as does exist in this State.

When little children, either by the greed of parents or enterprises employing, are forced to labor in factories and at other work for long hours, crushing out their life, stunting their growth and development, mentally, physically and morally, it is time for thoughtful men to pause and consider the question.

STATE REFORM SCHOOL AND JUVENILE OFFENDERS.

The purpose of the law should be, primarily, the pre-

vention of crime, and the reformation of the criminal rather than his punishment, and any system which loses sight of these two prime considerations fails to realize the highest ideals and possibilities of modern thought and civilization. To this end we should be especially mindful of the juvenile offenders against the law, and should strive by every means in our power to make of this class useful members of society rather than confirmed and hardened criminals and charges upon society, for it is true that one of the heaviest burdens now imposed upon the social system is taxation for maintenance of prisons and expenses of the administration of penal laws, and as it is true that we get large returns at present for the hire of convicts, we should spend a reasonable sum of it to reform the juvenile offender.

The needs of the State Reform School, located at Marianna, should receive your careful consideration, with the end in view that this institution be made really a reform school and not a juvenile prison; and that such labor and work as is imposed upon its inmates be imposed with a view to their industrial training and equipment, rather than a means of revenue, and in this connection the advisability of the creation of juvenile courts to deal, especially in the larger cities, with juvenile offenders, should be considered. Much interest in this matter is aroused throughout the State, and whatever aid is practicable should be given to the movement.

FLORIDA HOSPITAL FOR THE INDIGENT INSANE.

The work of this institution is before you in the report of its Superintendent, Captain B. F. Whitner. The Legislature of 1905, by the provisions of Chapter 5454, provided for a committee of six to visit and investigate the Florida Hospital for the Insane, and make such recommendation to the Legislature as the State's duty to these unfortunates demands. The report of that committee, drawn after much serious consideration and thorough investigation, will be presented to you. I commend to your careful consideration the suggestions made therein for the improvement in our treatment of this important matter, and trust that you will take such legislative action as will accomplish the needed reforms.

FISH AND OYSTERS.

Recent investigation of what is being done in other States has impressed me more than ever with the importance of proper regulations and protection of the Fish and Oyster Industry of our State, and I desire to urge you to pass such laws as, upon an investigation of this subject, you find most adapted to our needs. This is one of the most important and valuable of all the natural resources of the State. With her great extent of coast line and inland waters, Florida has the opportunity to provide fishing grounds greater than those of all the other Atlantic coast States combined. But this vast resource is being rapidly depleted, and unless some measures are taken for the protection of the fish and oysters themselves, rather than the private interests engaged in exploiting and despoiling them, a few years will result in their complete destruction. Every legitimate protection and encouragement should be given the fish and oyster industry of the State, and only such restrictions and limitations placed on them as will secure the preservation of the oyster beds and the supply of fish, and protection of their spawning grounds; but such restrictions as will accomplish this result should be provided, and not only provided, but the means should also be provided for their strict enforcement by the proper *State authorities*.

The bedding places of our inland fish should be protected during spawning season, and especially should you protect the breeding grounds of the mullet, our most valuable and numerous food fish, along the lagoons and inlets of the east and west coasts of Florida. In order to call your attention to the methods used in other States, I have had the following short statements of the operation of various laws of other States prepared:

MAINE.

The sea and shore fishing of Maine is under the control and direction of a commissioner known as the "Commissioner of Sea and Shore Fisheries," who is appointed by the Governor. He has the supervision of all fisheries and their products taken from the tide waters of the State, and of all sea fish landed; he is also required to enforce the laws relating to the catching, packing, canning, curing,

manufacturing, branding and transportation of all kinds of pickled, smoked, salted, canned, frozen, shell or other fish. He is assisted in the performance of his duties by wardens appointed by the Governor on his recommendation. The wardens receive \$2.00 per day and expenses while actually employed. The Commissioner may appoint and remove at will deputy wardens. Both commissioners, wardens and deputy wardens are vested with full police powers, right of search, seizure and arrest without warrant.

The value of the product of the sea and shore fisheries of Maine runs up to the immediate neighborhood of \$9,000,000 per annum, and yields a net revenue to the State of upward of \$100,000 per annum. The laws are very strict relative to catching, handling and packing fish. All that are packed are packed under the supervision of a State inspector, who brands or stamps each package, showing the contents, grade, size and quality, the date of packing, with his own name or initials; for this the State receives 7 cents inspection fees on each barrel. The fishing interests of Maine give employment to 18,175 men; \$3,144,347 capital is invested in the industry, and the average catch is valued at over \$3,500,000 per annum. This is exclusive of the sardine industry, which in 1904 was valued at \$5,067,798, with 776 factories, valued at \$720,500, and that employed 7,803 hands and paid in wages \$1,295,841, and produced 646,657 cases of sardines.

The side industries that grow out of the fish industry show handsome returns. These industries are in the shape of canning factories, can manufacturing establishments, glue factories, oil factories and fertilizer works, that produce annually upward of \$225,000.

In addition to the Sea and Shore Fish Commission, Maine has a commissioner, known as the Inland Fish and Game Commissioner, who has entire control of the inland water fisheries, game and game wardens, and guides. The birds considered as game birds are named in the law, and all others not so named are protected, and nests and eggs are protected under heavy penalties. The revenue to the State from this department is derived from non-resident hunting licenses, camp licenses, market men and provision dealers' licenses, licenses to sell skins of wild animals, mounted heads of deer, etc., taxidermists' licenses, fines and penalties, guide fees and licenses,

which run from \$1.00 to \$20.00. No one is allowed to hunt without a regularly licensed guide. This is for the protection of the game, and as a guard against forest fires. The revenue realized from these sources in 1906 amounted to \$41,622.78. Of this non-resident hunters paid for licenses \$31,509.37; local licenses, fines, etc., 10,113.41; total \$41,622.78.

RHODE ISLAND.

Rhode Island manages her shell fish and fishing entirely through commissioners, two distinct bodies: One of five members, known as the Shell Fish Commission, one from each county; the other the Inland Fish Commission, composed of seven members. The Shell Fish Commissioners receive each a salary of \$500 per annum; they have a clerk who receives \$1,200 and expenses; an engineer, whose salary and expenses last year amounted to \$3,315.44; the total expenses of the Commissioners the past year were \$8,858.48; the receipts for leases for oyster land amounted to \$59,305.56, leaving for the State the sum of \$50,445.98.

In 1906 the Commissioners had out, under five and ten-year leases, 88,163 16-100 acres, at from \$1.00 to \$10.00 per acre, the leases covering from five-tenths of an acre to 422 acres to the lease at \$10 per acre and from one-tenth 976 4-10 at \$5.00 per acre. The remaining acreage was let at various prices down in some instances to as low as \$1.00 per acre.

The fish laws are very stringent, and consist principally of prohibitions, the ignoring of which entails penalties in the shape of fines, running from \$15.00 to \$100.00 and costs, and the confiscation of all paraphernalia. There is a separate department known as the Inland Fisheries Commission, mentioned above, which has control of all the inland waters of the State. Both the Commissions have offices in the capitol building. Both the Shell Fish Commissioners and the Commissioners of Inland Fisheries are authorized to appoint deputies, and to make rules governing the taking of any product of the waters in and around and within their jurisdiction. Commissioners and deputies are clothed with full police powers, with the right of search, arrest and seizure without warrant. The Commissioners may set apart any waters of the State for the propagation of fish or shell fish, or for

the purpose of permitting water already stocked to develop, and for the growth of fish.

MARYLAND.

Maryland also maintains a dual system for the control of her fishing interests and the products of her forests, each body working independently, yet in harmony, always co-operating. The game warden receives a salary of \$1,200.00 per year, and is allowed his actual expenses, which must not, however, exceed \$600 per year. Upon the recommendation of the warden the Governor appoints deputy wardens. Both warden and deputies may arrest without warrant any one guilty of violating either the game or fish laws of the State. Revenue from both game and fish and shell fish is realized by a system of licensing, ranging in amount from \$2.50 upward, according to the desired hunting or fishing, and a net tax of 1 cent per fathom for gill nets, and 3 cents per fathom for seines. Parties guilty of violating the law may be fined from \$5.00 to \$50.00 for each offense, and forfeit of the boat or vessel in their possession, together with the seine and tackle, and all other things on board at the time of the commission of the offense. The boat is liable to seizure whether the property of the one violating the law or not. All forfeited property is sold, and half the proceeds go to the officers making the seizure, the other half to the informer. Of the fines, one-half goes to the informer, the other to the county where the fine is imposed.

The fish commissioners are supreme in their field as the warden is in his, but both work together, the field of each being so clearly defined in the execution and enforcement of the law; the deputies of each department being at all times on the watch to prevent violations of either fish or game laws and, when need arises, serving for the time being under the direction of whichever department requires the service.

Maryland maintains a regular oyster navy for the protection of her sea farms, and the fact that she does this, and also keeps up the two departments, is most conclusive evidence that it pays, and pays well, too, for the money invested by the State.

Maryland protects all the animals and birds known as game birds, song and insectivorous birds, and the oriole; it protects, in addition to the generally recognized large

game, the otter, raccoon, muskrats, squirrels, rabbits, and in some counties foxes. Maryland has a number of special county laws, the open seasons varying somewhat for this reason, and for the same reason the non-resident license fees vary. These run from \$4.50 to 20.00. The fish law covers all food fish, oysters, clams, crabs and terrapin. It matters not whether the violation of State or special law, the penalty is severe, and the enforcement of the law is in the hands of the State officials.

VIRGINIA.

Virginia estimates the value of her oyster industry at \$8,450,000.00 per annum; her fish products, exclusive of oysters, crabs, clams and terrapin, at \$1,750,000.00. The oyster business gives employment to 35,000 men, who gather 8,000,000 bushels each year that are worth \$4,700,000.00. The capital invested in the oyster business amounts to \$3,750,000.00. The State maintains an oyster navy consisting of three steamers and one schooner, at an annual expense of about \$20,000.00. These vessels patrol the bays and streams to guard against depredations. The boats are supplemented by a special police force, at a small outlay. The expenses of the Board of Fisheries for 1905 were \$3,594.14, and for the entire maintenance and management of the department for 1905 were \$23,903.46; amount received from shell fish, \$71,416.57; from all fish resources, \$79,077.46, leaving \$47,513.11 for the State after all expenses had been paid. A glance backward shows that the industry has been growing in importance and value ever since the establishment of the department, the rate of increase having been in the neighborhood of \$10,000.00 per annum for the past three or four years.

Reports from oyster inspectors for 1905 show that 8,054 persons took out licenses to take oysters on the natural rock beds. These licenses run from \$1.25 up to \$5.00. The Board collected rent on 59,029 acres of ground for planting oysters, at rates ranging from 25 cents to \$1.00 per acre; licenses were granted for fishing covering 1,451 nets of all classes; 484 crabbing licenses were issued at \$1.00 per season, and 58 claiming licenses, at from \$2.00 to \$5.00. It cost the State \$1,000.00 per annum to police its crabbing grounds, to protect it from raids of Maryland

crabbers, who make every effort to destroy the grounds. All licenses are governed, to considerable extent, by the capacity of the vessels and the number of men employed on the vessels. The crab catch on the lower Chesapeake Bay is reported at \$150,000.00 annually, and clams at \$300,000.00 per annum.

I also strongly recommend the enactment of a statute similar to the one introduced at the last session, establishing a graduated license tax upon the fish industry. I do this not for the purpose of raising revenue, but to provide a means for the enforcement of such regulations in regard to inspection and observant of the closed and open season, and methods of taking, as are now provided or may hereafter be provided.

GOOD ROADS.

Probably no one improvement could be more useful, valuable and enjoyable to the people of Florida than a system of GOOD ROADS.

Beginning, we will say, at the county seat in each county, and from there branching out approximately east and west, north and south, through the thickly settled and desirable portions of the county and connecting at the county lines with similar systems in the adjacent counties, having in view a general system of roads running east and west and north and south through the State, or as nearly on these courses as will serve the people best.

This would mean ultimately many miles of road and would draw to us much immigration and add a value to our property, perhaps doubling the assessed valuation of the State before the roads were completed.

Of what material shall they be built? From what sources can the money be obtained with which to build them? are the vital questions.

The benefits that good roads would be to the people are so numerous that I can only hope to enumerate a very few of them. It would bring our people in so much easier and nearer reach of the churches, the school houses, and the market places; and the market places so much nearer the farms and manufactories. It would save so much time to those who have loads to haul to and from

the market places, as each team could haul from four to five times the usual load. It would bring our people to a more complete acquaintance with each other; it would incline us more to social unity, which not only makes man's life bearable, but enjoyable; it would make neighbors of those now very far apart; it would make the motives of those now misunderstood, understood; it would tend to destroy hatreds and feuds, and lessen the number of crimes. The one consideration of making it possible for a greater number to attend and enjoy the wholesome, godly, cleanly and strictly sanitary atmosphere of the church and of the school, is sufficient to warrant any reasonable sacrifice in money for their construction and maintenance.

Almost every one will say: "Give us good roads," but no one has undertaken so far to say what the system shall be; of what material roads shall be built; nor has anyone suggested plans for obtaining the money. Probably very few roads have been built with money derived from the sale of bonds which will last until the bonds become due and are paid.

I know of but one material that could be used for road building, and possibly another that would warrant me in recommending the bonding of either the counties or the State for the purpose of obtaining money with which to build roads. The first material is vitrified brick, and the second material is the rock found and used in Dade County. Vitrified brick would be good for fifty years. Dade County rock becomes a solid mass, when laid deep enough, and wears much less than does broken granite or hard limestone rock where each particle, chafing and wearing the other, finally disappears in successive clouds of dust.

The question is, can vitrified brick be manufactured cheaply enough to make it a practicable material with which to build roads? I have had the matter of the cost of the manufacture of vitrified brick investigated, and also whether we have material with which to manufacture them. My information is that a number of plants can be established, each capable of turning out fifty thousand brick per day, at a low cost; that the labor in a thousand brick costs \$2.00; material cost, for digging and grinding, \$1.00. Coal costs \$4.00 per ton; amount of coal required for burning 1,000 brick, 1,000 pounds; cost \$2.00; other items cost \$1.00, making a total cost of \$6.00 per

thousand brick, which will lay 20 square yards of pavement or roadway, or 440,000 brick to a mile of roadway 15 feet wide, at a cost of \$2,640.00 per mile for the brick. To this should be added freight and cartage, which should not cost as much as \$6.00 per thousand brick, as material for the manufacture of brick should be located in the several sections of the State where it can be found, nearest to the section where the brick are to be used. Therefore, I would say that a mile of road, double width, meaning 15 feet wide, can be built of vitrified brick, freight and all considered, cost of manufacture with freight added, for about \$5,000 per mile, or \$10,000,000 would build two thousand miles of vitrified brick road, double width, or 15 feet wide, or it would build 4,000 miles of single width road. And especially do I say this, should you conclude to use as laborers about the brick factories as many of the State convicts as are necessary to do the work, supporting them from the hire of the remainder of the State convicts; and the counties using the county convicts in making the roadbeds and laying the brick. Under this plan the work could be done very cheaply, both in the manufacture of the brick and in laying the roads.

It may be necessary to amend the Constitution, if you should conclude that it would be a good thing to bond the State, providing that bonding could not be done without.

I do not know whether there is any very great inclination on the part of the people to build hard surfaced roads. A great deal of talk has been indulged in by quite a number of people, who appear to favor it, and a number do favor the building of good roads. A large portion of the newspapers of the State have advocated building hard surfaced roads. Assuming that they mean what they say, I have concluded to make these suggestions, pointing to one way that some effective road building might be done. No one doubts that good roads are a good thing. Therefore, let us consider another material that I have seen used for hard surface roads, namely: Dade County rock. I will say that of all rock used for purposes of building roads, this is the only kind that I have observed that appears to wear but little, becomes compact, remains level and appears to be enduring; and I believe if it were put thick enough, say eight inches, that it would last for fifteen or twenty years. It can be mined and put on cars with a steam shovel, probably for 25 cents or 30

cents a cubic yard. One cubic yard of it would probably weigh slightly more than a ton. A car would probably carry 18 or 20 cubic yards. If the rock can be quarried and loaded for 50 cents a cubic yard, and freighted for \$1.00 a cubic yard, and put on the road for 50 cents a cubic yard more, it would mean that a cubic yard, if placed eight inches deep in center, tapering to six inches on the edges, would make five square yards of surface, at a cost of 40 cents a square yard, or \$2.00 for one yard in length of road by fifteen feet width, or \$3,520.00 for a road one mile long, or for a single width wagon road, one-half that cost, or \$1,760.00. In this estimate the 50 cents allowed for putting the rock on the road would be sufficient only where the distance is not too great.

I have written to all of the Tax Collectors of the State, asking that they furnish me with the millage assessed for road purposes, and have received replies from them, but of such a character that makes it very difficult to estimate the amount of money now being expended on what are called good roads and bridges. One county, for instance, will levy but one mill road tax, but will require that all persons subject to road work, under the law, must work from eight to ten days per annum, which in some counties amounts to a great many days. Other counties levy no road tax, but pay for road work out of the general revenue fund, while other counties assess five mills for road purposes, and some even more than that. I assume, from the data obtained, that the amount of money and labor expended for road building now, equals a five-mill tax; which on the present valuation of \$142,000,000, means \$710,000 per annum.

Suppose the State should issue bonds for \$10,000,000 bearing 4 per cent interest, selling the bonds, as many as are necessary per annum, to obtain sufficient money to carry on the road work. I estimate that it would take about one year to get the work in operation, and five years more to spend the ten million; therefore, we will say that the first year, we would be compelled to pay interest on a million dollars for half the year, which would be \$20,000; second year, two million, for one year, \$80,000; third year, four million, for one year, \$160,000; fourth year, six million, for one year, \$240,000; fifth year, eight million, for one year, \$320,000; and sixth year,

ten million, for one year, \$400,000; and that a sinking fund tax be levied to pay off the said bonded debt, which should be paid off in thirty years.

In my opinion, this loan could be taken care of and the present roads kept up, and the new ones made, interest paid on the bonded debt, and a sinking fund provided with a five-mill tax levy, which is no more than they cost you now.

In 1901, the assessment rolls of the State showed a valuation of \$97,000,000; the assessment rolls of the State, in 1906, showed an assessed valuation of \$142,018,871, or a gain in valuation, in five years, of \$44,467,679, or 45 5-10 per cent gain in valuation in five years. A five-mill assessment or levy on \$142,081,871 would bring \$710,000 per annum. We will judge that by the time the next tax levy is made the assessed valuation of the property will be about \$150,000,000.

Suppose the levy for a sinking fund is made at two mills, and the levy to pay interest on the bonds at such millage as will pay the interest as it becomes due on the amount of bonds issued and outstanding from year to year as will appear in the following table; and that the sinking fund be reinvested in State, county or municipal bonds, or other interest bearing securities at the beginning of the second year, investing in like manner from the sinking fund collected for that year and the accrued interest on that part of the sinking fund already invested, and so on for the thirty years, the result will be as shown in the following table:

Table of Estimates Showing Estimated Increase in Assessed Valuation, Amount of Levy for Sinking Fund and Interest on \$10,000,000
4 per cent Thirty-Year Good Road Bonds and Amount of Interest Produced by placing Sinking Fund on Deposit or
Investing It in 4 per cent Bonds.

| Year. | Assessed Valuation of State. | Sinking Fund at 2 Mills Levy. | Amount Realized From Sinking Fund if Placed at 4 Per Cent. Interest Compounded Annually. | | Amount Bonds Issued and Used | | Interest Due Each Year on Amount Bonds Issued- | | Levy on Assessed Valuation Neces- sary to Meet This Interest and Amount Realized. | |
|---------|------------------------------------|-------------------------------------|---|--------------|---------------------------------|------------------|---|----------------------|---|--------------------|
| | | | Year | Amount | Year | Amount Issued | Bonds Outstand'g | Int. Due Each Yr. | Levy at | Amount Realized |
| 1st .. | \$ 150,000,000 | \$ 300,000 | 2d yr. | \$ 12,000.00 | Issued 1st yr. | \$ 1,000,000 | \$ 1,000,000 | \$ 20,000 | .000 1-4 | \$ 37,500 |
| 2nd .. | 155,000,000 | 310,000 | 3d yr. | 24,880.00 | Issued 2d yr. | 1,000,000 | 2,000,000 | 80,000 | .000 1-2 | 77,500 |
| 3rd .. | 160,000,000 | 320,000 | 4th yr. | 38,195.20 | Issued 3d yr. | 2,000,000 | 4,000,000 | 160,000 | .001 | 160,000 |
| 4th .. | 165,000,000 | 330,000 | 5th yr. | 53,403.00 | Issued 4th yr. | 2,000,000 | 6,000,000 | 240,000 | .001 1-2 | 247,500 |
| 5th .. | 170,000,000 | 340,000 | 6th yr. | 69,139.12 | Issued 5th yr. | 2,000,000 | 8,000,000 | 320,000 | .001 7-8 | 318,750 |
| 6th .. | 175,000,000 | 350,000 | 7th yr. | 85,904.69 | Issued 6th yr. | 2,000,000 | 10,000,000 | 400,000 | .002 1-4 | 393,750 |
| 7th .. | 180,000,000 | 360,000 | 8th yr. | 103,740.88 | outstanding | 10,000,000 | 10,000,000 | 400,000 | .002 1-4 | 405,000 |
| 8th .. | 185,000,000 | 370,000 | 9th yr. | 122,690.48 | ..... | ..... | 10,000,000 | 400,000 | .002 1-4 | 416,250 |
| 9th .. | 190,000,000 | 380,000 | 10th yr. | 142,798.12 | ..... | ..... | 10,000,000 | 400,000 | .002 | 380,000 |
| 10th .. | 195,000,000 | 390,000 | 11th yr. | 164,110.04 | ..... | ..... | 10,000,000 | 400,000 | .002 | 390,000 |
| 11th .. | 200,000,000 | 400,000 | 12th yr. | 186,674.46 | ..... | ..... | 10,000,000 | 400,000 | .002 | 400,000 |
| 12th .. | 205,000,000 | 410,000 | 13th yr. | 210,541.44 | ..... | ..... | 10,000,000 | 400,000 | .002 | 410,000 |
| 13th .. | 210,000,000 | 420,000 | 14th yr. | 235,763.09 | ..... | ..... | 10,000,000 | 400,000 | .002 | 420,000 |
| 14th .. | 215,000,000 | 430,000 | 15th yr. | 262,393.62 | ..... | ..... | 10,000,000 | 400,000 | .002 | 430,000 |
| 15th .. | 220,000,000 | 440,000 | 16th yr. | 290,489.36 | ..... | ..... | 10,000,000 | 400,000 | .001 7-8 | 412,500 |
| 16th .. | 225,000,000 | 450,000 | 17th yr. | 320,108.02 | ..... | ..... | 10,000,000 | 400,000 | .001 3-4 | 393,750 |
| 17th .. | 230,000,000 | 460,000 | 18th yr. | 351,313.29 | ..... | ..... | 10,000,000 | 400,000 | .001 3-4 | 402,500 |
| 18th .. | 235,000,000 | 470,000 | 19th yr. | 384,168.82 | ..... | ..... | 10,000,000 | 400,000 | .001 3-4 | 411,250 |
| 19th .. | 240,000,000 | 480,000 | 20th yr. | 418,732.46 | ..... | ..... | 10,000,000 | 400,000 | .001 7-10 | 408,000 |
| 20th .. | 245,000,000 | 490,000 | 21st yr. | 455,081.75 | ..... | ..... | 10,000,000 | 400,000 | .001 6-10 | 392,000 |
| 21st .. | 250,000,000 | 500,000 | 22nd yr. | 493,285.02 | ..... | ..... | 10,000,000 | 400,000 | .001 6-10 | 400,000 |
| 22nd .. | 255,000,000 | 510,000 | 23rd yr. | 533,416.43 | ..... | ..... | 10,000,000 | 400,000 | .001 6-10 | 408,000 |
| 23rd .. | 260,000,000 | 520,000 | 24th yr. | 575,553.08 | ..... | ..... | 10,000,000 | 400,000 | .001 1-2 | 390,000 |
| 24th .. | 265,000,000 | 530,000 | 25th yr. | 619,775.21 | ..... | ..... | 10,000,000 | 400,000 | .001 1-2 | 397,500 |
| 25th .. | 270,000,000 | 540,000 | 26th yr. | 666,166.21 | ..... | ..... | 10,000,000 | 400,000 | .001 1-2 | 405,000 |
| 26th .. | 275,000,000 | 550,000 | 27th yr. | 718,812.86 | ..... | ..... | 10,000,000 | 400,000 | .001 1-2 | 412,500 |
| 27th .. | 280,000,000 | 560,000 | 28th yr. | 765,965.38 | ..... | ..... | 10,000,000 | 400,000 | .001 4-10 | 392,000 |
| 28th .. | 285,000,000 | 570,000 | 29th yr. | 819,403.96 | ..... | ..... | 10,000,000 | 400,000 | .001 4-10 | 399,000 |
| 29th .. | 290,000,000 | 580,000 | 30th yr. | 875,380.15 | ..... | ..... | 10,000,000 | 400,000 | .001 4-10 | 406,000 |
| 30th .. | 295,000,000 | 590,000 | ..... | ..... | ..... | ..... | 10,000,000 | 400,000 | .001 3-10 | 383,500 |
| ..... | ..... | 13,350,000 | ..... | 9,999,884.04 | ..... | ..... | ..... | 10,820,000 | * .001 29-100 | 10,899,750 |

*—Average.

Sinking Fund Tax.....\$13,350,000.00
Sinking Fund Interest..... 9,999,884.04

Total tax and interest.....\$23,349,884.04
Excess interest levy..... 79,750.04

\$23,429,634.08

Loan.....\$10,000,000
Interest..... 10,820,000

Total interest and loan....\$20,820,000—\$20,820,000.00

Balance after payment of loan and in-
terest.....\$2,609,634.08

From the above table, if our estimated, assessed valuation is correct, we see that a levy of two mills to provide a sinking fund with which to redeem the ten million dollars borrowed, will produce in thirty years \$13,350,000, that the amount necessary to be raised to pay interest on the ten million-dollar loan, issued as set out in the table, for thirty years, would be \$10,820,000.00, and that the amount of interest actually raised by the interest levy, as indicated by above table, is \$10,899,750, or \$79,750 more than amount necessary. The sinking fund placed on deposit at interest and compounded annually at 4 per cent, or invested in State, municipal or county bonds for twenty-nine years, would amount to \$9,999,884.04, or just \$820,115.96 less than the interest that we would pay on the loan, but as we have \$3,350,000 excess in the sinking fund raised by the two-mill levy for thirty years, and \$79,750 in excess of amount necessary to pay the interest on this principal in the interest fund, raised by levy, which will make \$3,439,750, from which, if you will take the \$820,115.96, the difference between the interest due on the bonds and the amount of interest raised by investment of the sinking fund, we really have left on hand at the end of thirty years, after paying back the \$10,000,000 loan at 4 per cent interest, a balance of \$2,609,634.04, or more than one-fourth as much as borrowed originally, which means that the loan will have cost the State less than two mills tax levy upon the valuation of our property during the thirty years.

GAME WARDENS AND PROTECTION OF FORESTS.

The past two years have strengthened the urgency of the recommendations made to the Legislature of 1905 in regard to Game Wardens and Forest Protection, and I call your attention to the following passage from my message to that Legislature:

"The protection of the wild game is a matter of interest and importance to the whole State.

"The present system, which leaves to the counties, at their pleasure, the appointment of game wardens, and the

tax enforcement of the game laws, will, in a few years, result in the complete destruction of the game in this State.

"I believe that game wardens charged with the rigid enforcement of carefully drawn game laws, providing for a sufficient license to be paid by those persons hunting or taking game to pay the expenses of executing the game laws, would be of great benefit to the State. These game wardens could, under a proper law for the protection of our forests from fire, be made also fire wardens and be of untold value to this State, for it is of vital importance that steps for the protection of the forests from fires be promptly undertaken, and that such laws as are necessary for the protection of this valuable resource be passed at this session of the Legislature.

"Untold damage is being done every year by burning the woods, often through malice, negligence or thoughtlessness."

ATTORNEY GENERAL'S RECOMMENDATION.

As law officer of the State Government, many matters requiring his attention have been presented to the Attorney General, and especially has his attention been called to those inaccuracies and uncertainties which may have crept into the law. He has in his report called attention to many of these, together with his recommendation in regard to such changes or amendments as his experience has demonstrated are needed. I would, therefore, commend to your especial attention his report, which is printed and before you.

STATE AUDITOR.

The value and use of this department to the State is growing, and the work is of more value as its methods become more effective. Such legislation as is needed to aid the auditing department in more easily and systematically performing its duties should be enacted.

The work of this department has been of great value to the State and to the various county officials who are charged with the collection and disbursement of public money.

The department, since the last session of the Legislature, has been instrumental in covering into the State and county treasuries several thousand dollars, most of which shortages, I am glad to say, have been the result of loose methods and business systems, rather than of official speculations and irregularities. The work of this department has been especially valuable in systematizing the bookkeeping and records and the methods of auditing and accounting of the various departments which have come under its supervision.

ADDITIONS TO CAPITOL BUILDING.

The rapid increase in the business of the State Government is making a constant demand upon the space of your State house, and the accumulation of many valuable records, papers and documents makes it absolutely necessary to provide additional space for the proper transaction of the State's business and the safeguarding of her valuable State records and State library. The present quarters allotted to the Secretary of State, State Treasurer and Attorney General are entirely inadequate.

The Government of the United States, having abolished the office of Surveyor General of the State of Florida, directed that there be turned over to the State of Florida the valuable records of his office. These records could not be replaced if destroyed or mutilated, and their loss would be most serious. They are original surveys and notes involving the location and description of the lands of the State, and are of unquestionable value—and there is absolutely no room or space in the present capitol building to either safely or properly store these records. Many other documents and papers, the accumulation of years, are now slowly but surely being destroyed by the dampness and dust in the basement of the capitol, and the need for additions to the capitol is most urgent.

Suitable provision should be made for those departments which have been obliged to use the committee rooms designed for the use of the Legislature in order to carry on their work. The Railroad Commission, the State Auditor, the Comptroller and the Adjutant General are now using rooms designed for the use of the Legislative committees. Additions, at least fifty (50) feet long,

agreeing in height and design as near as may be with the present structure, should be provided on each side of the capitol, to accommodate a State library and for office purposes; and suitable fireproof vaults should be provided in such addition for the safekeeping and protection of the many valuable papers and documents, some of which, if destroyed, it would be impossible to replace. I can show the needs for these additions no better than by calling your attention to the following extract from the report of the Secretary of State and ex-officio Librarian of the State:

"Under the provisions of Section 2218, of the Revised Statutes of the United States, all the records and archives of the United States Surveyor General's office, when discontinued, are to be turned over to the Secretary of State, or to some other officer duly appointed for the purpose, and under further provisions of Section 2221, of the Revised Statutes of the United States, it is required that such records shall, in no case, be turned over to the authorities of the State until the State shall provide, by law, for their reception and safekeeping.

"The President of the United States, by executive order, issued on April 27, 1906, abolished the office of the Surveyor General of Florida, to take effect on June 30, 1906, and designated the Secretary of State as the official custodian of the records of the said office. Under the provisions of the above mentioned statutes, it was impossible for me to comply with this requirement for the reason that there is no available space in the capitol for storing and preserving the said records, and by joint communication, signed by the Governor and members of the Cabinet, we requested that the order be suspended until the convening of the next Legislature of this State, when proper provision would be made by the Legislature for storing and keeping the said records, and in accordance with that request the President did, on June 14, 1906, issue an order modifying his previous order for the abolishment of the said office by making the previous order effective on June 30, 1907.

Sections 84 and 85, General Statutes of Florida, designate the Secretary of State as ex-officio State Librarian, with certain enumerated duties to perform, to classify, shelve and catalogue the books of the State Library, which has not been done for the reason that no provision

has been made by the Legislature for a library room, book cases or shelving. I have utilized all available space in the basement for shelves, but it is impossible to use the books so shelved in the basement for the reason there is no light, no facilities for cataloguing and indexing, nor sufficient room to properly classify them. I have provided the best place within my power for these books, and there are yet many volumes piled on the floor in the rooms in the basement. I receive each year many volumes from the States and Territories, and from the Departments at Washington, books of value, which should be preserved, and if it is the intention of the Legislature that the statute referred to be carried out, it is their duty to provide a suitable place for a library, and appropriate sufficient funds for the employment of clerical assistance in the work of cataloguing the books and for a permanent librarian.

"In addition to the books enumerated above, I have on hand the entire edition, except what has been sold in the past few months, of the New General Statutes. These books are worth, in round numbers, about \$20,000, possibly more. I have space for storing about 1,000 of these books, and the balance, consisting of nearly 4,000 books, worth \$3.50 each, are stored in the damp basement in the original packing boxes, subject to being ruined by damp, or injury in various other ways. We had several hundred dollars' worth of the old Revised Statutes destroyed by damp in this same way, being stored in boxes in the basement. There is at present absolutely no help for this. I have some of the more valuable law books stored in my vault, which is for the preservation of the records of the office, and is not large enough for that purpose alone, and to put law books in there keeps me crowded so that the records are not accessible."

IMMIGRATION.

The benefit of immigration to a State like Florida is worthy of your earnest investigation.

This is a subject which has been receiving much investigation and consideration throughout the South, and especially in South Carolina, where a law creating the Department of Agriculture, Commerce and Immigration

has been established, and has accomplished much in the way of securing desirable foreign immigrants, both as permanent settlers and as skilled and other laborers. I recommend the careful study of the provisions of the South Carolina law, and the enactment of a similar statute adapted to our needs.

I believe a statute authorizing a conservative expenditure of public money by the counties in advertising their resources and attractions for settlers, is a wise and beneficial measure, and should be passed by your body.

TOURISTS AND SETTLERS.

In connection with the encouragement of immigration, comment should also be made upon the large amount of revenue the citizens of the State derive from the winter tourist travel from States to the north of us. Especially is this true of the cities and towns on the Atlantic and Gulf coasts of Florida, though the inland towns have also profited. Experience has shown that the places which have been the most prosperous in this line are those which have advertised their advantages most thoroughly, and County Commissioners and city and town Councils should be allowed to spend a reasonable amount of the public money from time to time in advertising through printed matter and otherwise the advantages and resources of their respective counties and municipalities, with a view of inducing more tourists to come to Florida, and more permanent settlers to come into our midst and help develop the splendid resources that Florida affords.

STATE LIFE INSURANCE.

Since the adjournment of the last Legislature, I have given much thought and study to this subject, and I have compiled much data and information relating to the subject of STATE LIFE INSURANCE. My investigations have convinced me that the idea advanced in my message to the Legislature of 1905 is practical and beneficial, and should receive the careful investigation of this Legislature. I propose to submit for your consideration my recommendations and the data gathered in regard to

STATE LIFE INSURANCE in a special communication to your body upon this subject.

LOBBY.

Side by side as the two most insidious and dangerous elements entering into the work of the Legislature, are the lobbyist and the "grafting" legislator. In every State of the Union the subject has called forth the strongest denunciation; and the revelations brought forth in many instances show that they have in no case been too strong or severe.

The evil is one as difficult to eradicate as it is dangerous, for while to every citizen and interest the opportunity should be given to be heard upon any and every matter of interest or moment to them pending before the Legislature, yet this opportunity to be heard should be so guarded that it may not be used as an opportunity to debauch and corrupt the Legislature by methods which will not bear the light of publicity. I would, therefore, recommend the immediate passage, under suspension of the rules, if necessary, of a statute requiring that all persons desiring to present any matters to the Legislature or to the members thereof should be registered with the Secretary or Clerk of either House, and should state their interests and the bills, claims, resolutions or reports in which they are interested, and what interests or persons they represent, and in what capacity. And, further, that a reward of not less than \$1,000, one-half to go to the informer, be offered for the conviction of any person or persons who, directly or otherwise, by bribery or attempt to bribe, or by any other improper method or means whatsoever, influence or attempt to influence the vote or action of any member of the Legislature or any attache or employee of either branch, and that a like sum be offered for the arrest, trial and conviction of any member who has either accepted or offered to accept any money or thing of value or benefit to influence his vote or action upon any matter upon which it becomes his duty to act as a legislator. Equally as reprehensible as the lobbyist is the legislator who introduces of his own motion, or at the request of others, measures which are not intended to become laws, but are used merely for the purpose of "grafting," that is, for the purpose of obtaining pay for their defeat.

It is with reluctance that I have recommended a reward for an informer, as I deprecate this method of detecting violators of the law, and only my firm belief in the very real menace and danger to representative government which exists in the efforts being made by what are termed the "interests" to influence and direct legislative action throughout this country will permit me to recommend the adoption of such measures.

BUCKET SHOPS.

No more pernicious and dangerous form of gambling exists today than what is known as the "Bucket Shop," where wagers are made upon the rise and fall of the stock or cotton and grain markets. More men, especially young men, are ruined, more homes broken up, more women broken-hearted, and more children destitute and homeless from bucket shop gambling than from all other gambling in this State. You should pass a statute making the maintaining of a bucket shop a felony, punishing every one furnishing in any way by telegraph, telephone private leased wires, or otherwise, any information whereby the bucket shop is maintained, operated or carried on. Owners of buildings should be prevented from leasing their property to any bucket shop, and the owner of any building where one is maintained should be punished as a principal. The Legislature of Georgia, at the session of 1906, passed an act upon this subject, which I am informed has stood the test of courts, and which should afford assistance in framing a proper and effective law upon this subject.

SPECIAL ELECTIONS.

The provisions of the law are not elastic enough to fit the conditions which may arise and call for special elections under its provisions. The various time limits set in the law should be shortened, as vacancies may occur in the Legislature, for instance, so close to the session of the same as to prevent the filling of the vacancy in time

for the member elected to participate in the work of that body. I would recommend the passage of an act providing that where a member of the Legislature dies, resigns, or his seat becomes vacant otherwise before the session in the year following his election, those electors who were entitled to vote at the preceding general election for such member should be permitted to vote in a special election to fill vacancy upon the same qualifications that entitled them to vote at the general election just previous, and that in case of the death, resignation or disqualification of a hold-over Senator between the general election and succeeding session of the Legislature, those voters should be eligible to vote in a special election to fill the vacancy so caused who were entitled to vote in the said general election.

The Senator from the Twelfth District died on February 9, 1907. The Legislature convenes April 2, 1907. In order that his successor might be present at the organization of the Senate on the latter date it was necessary to hold the special election at which he was chosen during March, and, under the provisions of the General Election Law, only those whose poll taxes were paid for 1906 on or before the second Tuesday in February, to wit, the 9th, could vote in that election, and, as but very few taxes are paid by that time, you readily see what little opportunity there is for a proper election of this nature.

RE-APPORTIONMENT.

The Constitution, in Sec. 3, Art. XII, provides as follows:

"Section 3. The Legislature that shall meet A. D. 1887, and those that shall meet every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two members; and at the same time shall also apportion the representation of the House of Representatives, the whole number of Representatives not to exceed sixty-eight members. The representation in the House of Representatives shall be apportioned among the several counties as nearly as possible according to population; Provided, Each county shall have one Representative at large in the House of Representatives, and no county shall have more than three Representatives."

These provisions require your action at this session.

The last census taken by the State shows that the distribution of the population of the State has rendered the apportionment made in 1887 inequitable and unjust, and this Legislature should consider it an imperative duty to make an apportionment more in harmony with the principles of representative government, especially as there will be before your body requests for the establishment of several new counties in the different parts of the State, which should receive your attention before a re-apportionment is passed, in order that this mandate of the Constitution may be properly obeyed.

COUNTY COMMISSIONERS.

No more responsible office exists in the administration of county affairs than that of County Commissioner, and the advancement and growth of the various counties depends very largely upon the faithful and efficient administration of the duties of this office, and the best and most worthy citizenship should be available for it. This, you can not get if it requires a sacrifice of time and business without at least a return for such sacrifice, if not compensation for the ability and efficiency required, I would, therefore, strongly urge that you consider the advisability of making the office of County Commissioner a salaried and bonded office, graded by the assessed valuation of the county, such salary to be sufficient to secure men of the highest integrity and ability of your counties in this position. In many of the large counties, the business before the Board of County Commissioners is such as to require meetings at least once a week and oftener, and to almost monopolize the time of the chairman of such boards.

You can not get men who have the ability and the other qualifications necessary to discharge these responsible duties for the compensation now provided by law for this office. Many of the complaints calling for the attention and examination of the State Auditor in the various portions of the State as to County Commissioners over-drawing the allowances made them by statute for their services, have arisen, not so much from corrupt or dis-

honest practices as by endeavors to prevent absolute loss for the time required to be given to the work of the county. The administration of State and county affairs is a business, and should be conducted on the same basis as any other business of like importance and magnitude. No private business of like importance and volume, and requiring the same amount of time, care, energy and ability, could have been conducted for a like compensation with as little loss and peculation as that entrusted to the County Commissioners of the various counties of this State. The public's business demands the highest ability, efficiency and integrity in those whom it selects to attend to it, and the public should be, and I believe is willing to pay the market price for the efficiency, ability and integrity it demands. I also recommend that a statute be passed requiring the publication monthly of an itemized statement of all amounts disbursed by the County Commissioners. Nothing is so effective to correct abuses which may exist in the conduct of any public office as publicity.

RACE PROBLEM.

Years have elapsed since the emancipation of the negro slaves of the South. For a few years immediately after the war feeling ran high between the white people of the South and the negroes, as the recently freed negroes, in some instances, made themselves very disagreeable to the white people of the South; but this feeling gradually subsided. Almost immediately after the Civil War, free schools were established in the State of Florida for the children of both races, but taught in separate houses. This system has been kept up in this State. From the taxes collected from the common tax assessment rolls of the property of both races, the expense of building and maintaining the schools are paid. No friction or irritation has existed in this State on this subject. There has been no agitation of the subject as in some other States, that the expense of running negro schools should be derived from the assessment and collection from negro property, and that the expense of running white schools should be derived from the assess-

ment and collection from the property of the white people. In fact, no question has arisen to cause any disturbance, yet it is apparent to even the casual observer that the relation between the two races is becoming more strained and acute. The negroes today have less friendship for the white people than they have ever had since the Civil War, and the white people have less tolerance and sympathy for the negro. It is my opinion that the two races will not, for any great length of time, occupy the same territory without friction and outbreaks of disorder between the two.

I doubt if education can possibly tend to the happiness of any race so long as it aids in a keener discernment of the hopeless difference between the past and future history of that race and a dominant race in the same country and in the same neighborhood. The educated negro can look back with no pride upon the past history of his race; nor can he look forward to a time when his race can hope to control the politics of the country or regulate society. I do not know to what extent the consciousness of this condition affects the feelings of the negro toward the white people; nor to what extent it sours his nature or causes him to become discouraged; but the fact is that he does not feel kindly toward the white man, as he did some years ago. The white man has concluded that the negro has no pride in the institutions of the white man, and no friendship for him. The white people are no longer acquainted with the individual negro, as they were years ago, nor are the negroes acquainted with the white people. The mode of earning a living in the country has materially changed. The white people have no time to make excuses for the shortcomings of the negro, and the negro has less inclination to work for one and be directed by one he considers exacting to the extent that he must do a good day's work, or pay for the bill of goods sold to him, and as the hope of civilization and Christianization of the world depends upon the white race, it would be acting the part of wisdom to protect the white man from his own temper, when aroused, as it is a fact that when he esteems himself superior to any other race, he becomes intolerant of that race. I fear that at no distant date, the tension between the races will become so great that outbreaks will become frequent and harmful and there

can be but one result: the destruction of the negro and the degrading of the white man, by being compelled to read a history made by himself, portraying the excessive punishment meted out to a race by whom he esteemed himself abused.

I deem it best, and therefore recommend a resolution memorializing the Congress of the United States to purchase territory, either domestic or foreign, and provide means to purchase the property of the negroes, at reasonable prices, and to transport them to the territory purchased by the United States. The United States to organize a government for them of the negro race; to protect them from foreign invasion; to prevent white people from living among them on the territory, and to prevent negroes from migrating back to the United States. I believe this to be the only hope of a solution of the race problem between the white and black races, as I can see no ultimate good results that can accrue from the education of a race, without planting in their being the hope of attaining the highest position in government affairs and society. In fact, I can see no reason to expect that any man can be made happy by whetting his intelligence to that point where he can better contemplate or realize the hopeless gulf that must ever separate him and his race from the best things that the dominant race (who employ him as servant) have in store for themselves, I believe that any person so situated would grow miserable, in proportion as he increased in intelligence. I believe that we should consider the fact that the negroes are the wards of the white people, and that it is our duty to make whatever provision for them would be best for their well being; and it is my opinion that the above recommendation, that they be given a home of their own, where they can hope, by living proper lives, to occupy the highest places in it, thus educating and civilizing them, may tend toward their happiness and good. More especially do I make this recommendation for the good of the white people; to keep their conscience keen and clean. It is absolutely necessary to the civilization and Christianization of the world by them. Our children must be able to read the history of our lives and see that it contains accounts of the best lived lives, and that their ancestors were the best people of the earth. Whatever tends to sour our natures, or that causes us to give

way to passion or temper, tends to destroy us, and no cost should be considered in a matter so fraught with danger to the attainment of the civilization and Christianization of the world as will the attempt to compel these two races to live in the same territory.

THE RIGHT OF THE PUBLIC TO CORRECT INFORMATION.

Accurate information furnished to the people is good for the people. Inaccurate or false information is bad for the people, as it may deceive them, and in that way be of financial benefit, or in some other way profitable, to the persons furnishing or disseminating such false and inaccurate information.

A newspaper publishing accurate information to the public is a good institution. A newspaper publishing inaccurate or false information to the public, innocently, is harmful; wilfully, is positively bad, and a menace to the public welfare.

We have both kinds in Florida. Unfortunately for the people of Florida, the daily paper having the widest circulation in the State of Florida is the Florida Times-Union, and it carries in its columns much inaccurate information, and, in my opinion, misinformation is published therein, wilfully; some of it being harmful to individuals, other misinformation being harmful to the best interest of the people of the State.

An honest man, going into the newspaper business for honest motives and having honest purposes, would probably take the public into his confidence by saying: "To you, I will furnish accurate news and accurate information, and make it as full as I can. I will use my editorial column unselfishly for the benefit of the State and her people; for this service, I ask your patronage and support." He would state his own political views, and the purpose of the publication of the paper. If he advocated Democratic doctrines, and declared that in his opinion they were best for the people, as he believed in those principles, the people would respect him as a Democrat. If he declared that he believed the principles as declared in the Republican platform, as best for the people, but that he would advocate Democratic princi-

ples, because it would be to the paper's business interests, and by that means secure more support and patronage, what would you consider him. Would you not keep your eye on him? No one doubts the fact that a man has a right to be a Republican, Democrat, Populist or Socialist, but we all believe that if he undertakes to publish a paper, he should publish the motives that actuate him or cause him to go into the business of publishing a newspaper. Philanthropy might cause a good Republican to publish a newspaper in a Democratic State, but he should at least say why he did it, that the people might know whether it was good for them, or only good for him. A newspaper published for a good purpose, stating facts about persons and things public, is a good thing. A newspaper published for a bad or selfish purpose, and conveying misinformation in its columns, for the benefit or enrichment of its owners, or editors, is a bad thing, and it is my opinion that it is necessary that some legislation be enacted that will, so far as possible, protect the interest of the people from the invasion of their rights by selfish persons publishing newspapers, and also to protect individuals, whether public or private, from slander and malignant misrepresentation by it.

We have some newspapers that are not content with writing inaccuracies about candidates for office, who, if elected, would not serve the "interests" to which the papers belong, but continue to write falsehoods about the men after they become officials, with a view to impairing their influence for the good of the people, that they may deceive the people into believing that they had made a mistake in their election, so that they might in subsequent elections, elect more easily some one in accord with the "interests" for which the paper speaks.

During the last twelve months, there has been a public question under discussion in this State, which was in the form of an amendment to the Constitution, a vote upon which would mean that the voter either favored the adoption of it as a portion of the Constitution, or that he did not want it to become a portion of the Constitution. The only purpose of it was, that, if adopted, it would determine some pending litigation, as a statute creating the Drainage Commissioners was attacked by several large land corporations, on constitutional grounds.

The statute here referred to was enacted by the last Legislature, so that under its operation, the owners of several large tracts of land, as well as small ones, in a certain portion of Florida, should be required to contribute, in the form of a drainage tax, so much per acre upon the lands, equal to what was contributed by the Trustees of the Internal Improvement Fund of the State of Florida upon the lands to which they held titles, and which were granted to them in trust, by the Legislature of 1855; which lands so held in trust were being sued for by several railroad companies, and which suits were being defended by the Trustees, they contending that the lands, after being granted to them for specific purposes, the chief one being drainage and reclamation, could not afterward be legally granted, by subsequent Legislatures, to railroad companies, or any one else, and although it was widely and notoriously known that four million acres more had been granted to the railroad companies than had ever been patented to Florida by the United States.

The Times-Union, on the 18th day of March, 1906, did reproduce an article, published in the Jasper News, to the effect that the Trustees of the Internal Improvement Fund were using money that belonged to the Good Roads Fund to build dredges and drain the Everglades, that the Governor was a lawbreaker and was then diverting this Fund from the good roads of the counties, and using it wrongfully. The Times-Union, after reproducing the article, commented on it editorially with approval, referring to the statute, that it claimed was being violated, as Chapter 5245, enacted in 1903. I afterward published the statute in full in "The Sun," a newspaper, at that time published in Jacksonville, but now published in Tallahassee, which statute they knew to be of no effect. The very first four lines of it read:

"Section 1. All moneys now in the Internal Improvement Fund, after the payment of all legal obligations against the said moneys shall be (placed) pleased by the Trustees of the (Internal Improvement Fund, with the) State Treasurer."

And the last four lines of Section 2 read as follows:

"Provided, That nothing herein shall be so (construed) constructed as to prevent the payment in lands by the said Trustees of the Internal Improvement Fund, of all legal obligations now existing against the said Fund."

(The words in the above quotation inclosed in parenthesis were left out of the enrolled act, and were supplied in the printing of the act in the endeavor to show what words were evidently intended to be used.)

Mark you, this land and money was granted to the Trustees of the Internal Improvement Fund, in the year 1855, for two purposes; one was for drainage and reclamation purposes; the other was as security for the payment of interest coupons on railroad bonds, which the Trustees were required to indorse by the same act. Mark you, again, after the lapse of twenty-four years, the Legislature began to grant the same lands to railroad and canal companies, and under the many subsequent land grant acts of the Legislature, more than twenty-four million acres were granted, although Florida has had patented to her by the United States Government but twenty million, one hundred and fifty thousand acres, but be it said to the credit of the several Legislatures, making the grants, they wrote, either into every one of them or into the general statute enacted at the same session of the Legislature, this language: "Shall be subject to the rights of the creditors of the Internal Improvement Fund, and to the trusts to which said fund is applicable, and subject under the act approved January 6th, 1855, and entitled 'An act to Provide for and encourage a liberal system of internal improvement in this State,' and subject to control, management and sale, and application of said fund, and the lands constituting the same, by the Trustees of the Internal Improvement Fund, for the purposes of said trust, under said Act."

The Times-Union knew that the Legislature had granted the lands to the Trustees; afterward subsequent Legislatures had granted four million acres more than had been patented to the State to railroads, but making it all subject to the trust, to-wit: drainage and reclamation; therefore, that the Legislature had long since exhausted its power to grant the same land. Shortly after the publication of the editorial, Mr. James E. Ingraham, vice-president of the East Coast Railroad, the owners of which railroad control the policy of the Times-Union, published a letter in the Times-Union to the effect that all of the lands were granted away by the Legislature, prior to 1893, and that Governor Bloxham told him so, but that he was promised for his railroad all of the lands south of T. (56). The Times-Union commenting

on the letter, not long afterward, to-wit: on the 4th day of October, 1906, published a cartoon, showing the Trustees "holding up" a school child, and stating that the fund being used to drain the Everglades and build dredges, belonged to the school fund. They have since that time, to-wit: on the 23rd day of February, 1907, published a cartoon of a child, or school teacher, going to school over a rough road, with the picture of a dredge burning for fuel money that should be used in building good roads.

And again on the 21st day of March, they published a cartoon entitled "Is It Fair?" depicting the Trustees as taking from a barrel marked "School Fund" and using in "Drainage Schemes," the money belonging to "under-paid school teachers." The said publication, then and on each of many other dates, knowing that the idea conveyed by such cartoons was wilfully and absolutely and maliciously false, and the purpose of these cartoons and publications was to create and spread false and erroneous impressions and conclusions in the public mind, as to the acts and duties of the Trustees.

These and many other statements they have made that they know to be utterly false, the purpose of which was to traduce your Trustees and cause the people to lose confidence in them, with the hope that they might defeat in the next primaries, for re-nomination, any Trustee of the present Board who might run for re-nomination. The Times-Union, Jasper News, St. Augustine Evening Record, Gainesville Sun, Lake City Index, Tampa Tribune, Tallahassee True Democrat, and two or three other small papers, have kept up the work of maligning your Trustees; have repeatedly published articles stating that the Trustees were diverting the public funds; and using taxpayers' money to build dredges and to carry on drainage operations; and to pay attorneys' fees to defend the suits pending against the Trustees, brought by the railroads and land corporations, they well knowing that such statements were absolutely false and that not one dollar of taxpayers' money has been used in building dredges, drainage, or attorneys' fees, but that every dollar spent for these matters was derived from the sale of lands held by the Trustees for such purposes, and well knowing that a falsehood told to-day, though denied to-morrow, will be seen by some and believed by some who will never see the contradiction.

The next day it tells another falsehood, the next day another, and so on, all for the purpose of deceiving the people and their representatives, with the hope of finally electing Trustees that will deed the lands to the railroads. They have hinted at securing through the Legislature the abolishment of the Trustees, well knowing that the Trustees alone can litigate the title of the lands against the railroads, and that if the Legislature could legally abolish the Trustees, that, under the Legislative grants, the lands would go to the railroads without the formality of a deed, under former Legislative grants.

We have many patriotic men in the newspaper business, who are making the best fight they can for the people, who honor their calling, and whom no criminal statute will affect; but as it is a fact that we have some newspapers that do intentionally print misinformation about public affairs, with a view to deceiving the people, that they may be caused to vote against their own interests, and that do wilfully slander, by publishing false statements about candidates for office, with a view to defeating them, because they are not in accord with the interests, which interests are opposed to the interests of the people, and which papers also publish false statements about public officials, with a view to destroying the confidence of the public in them; that these newspapers and their owners may be benefited, I recommend that a law be enacted, making the several above-stated offenses criminal offenses; providing the proper punishment for the same, the owners, or writers, or publishers of the same; and as there are so-called news bureaus, organized for the purpose of printing and sending out false literature against the public good, which articles and publications, circulars and newspapers, contain false statements concerning public affairs and candidates for office and public officials, for the purpose of deceiving the public, and injuring them pecuniarily, and injuring candidates and public officials by such methods, also, I recommend that it be made a misdemeanor for any person or persons to circulate, through a news bureau, or newspaper, any literature bearing false information to the public, upon any public question, and to make it a misdemeanor for any person to maliciously print any misstatement or falsehood about any candidate, or about any public official, which tends to destroy the confidence of the people in the candidate or officer, and that the publi-

cation or distribution, or either, be made *prima facie* evidence of the intention of the person or persons so publishing or distributing the same. I further recommend that a law be enacted authorizing the County Solicitor or State Attorney, in any county, to file information either in the Circuit Court or the Criminal Court of Record, or if the Circuit Court is at that time in session, bring to the attention of the Grand Jury for investigation the fact of the presence of any publishing or distributing agency publishing or distributing any such false or misleading literature, that they may be investigated and indicted, or information filed, according to the law.

We take every precaution to preserve free from misinformation, or any influence which will prevent a true and just verdict, the juries in our courts. Shall we not also take care that that great jury, the people, to whose verdict—public opinion—all must bow, shall not be misinformed and deceived by designing interests and news bureaus and newspapers controlled and directed by them for their own private and personal ends?

And I further recommend that a statute be enacted making public mendacity a misdemeanor and punishing any newspaper writer or editor or publisher who deliberately and intentionally writes or publishes an article that is untrue, and making the public printing of an untruth *prima facie* evidence of the misdemeanor.

Respectfully submitted,

N. B. BROWARD, Governor.

April 2nd, 1907.

Sentences Commuted Since the Convening of the Regular Session, 1905.

| DATE OF SENTENCE. | COUNTY. | PARDON, ETC., AND DATE OF |
|------------------------------|--------------|--|
| Fall Term, 1903 | Washington | Conditional pardon April 6, 1905. |
| October Term, 1904 | Hillsborough | Pardon April 6, 1905. |
| Fall Term, 1900 | Bradford | Conditional pardon April 6, 1905. |
| October Term, 1904 | Hillsborough | Pardon April 6, 1905. |
| Fall Term, 1889 | Jefferson | Conditional pardon April 6, 1905. |
| Fall Term, 1903 | Levy | Conditional pardon April 20, 1905. |
| January Term, 1904 | Hillsborough | Pardon April 21, 1905. |
| Fall Term, 1897 | Putnam | Conditional pardon April 26, 1905. |
| Spring Term, 1893 | Leon | Conditional pardon May 6, 1905. |
| February Term, 1905 | Duval | Conditional pardon May 9, 1905, and fine commuted to \$250. |
| Fall Term, 1895 | Hillsborough | Conditional pardon May 15, 1905. |
| Spring Term, 1904 | Madison | Conditional pardon May 15, 1905. |
| Spring Term, 1904 | Monroe | Commuted to life imprisonment May 19, 1905. |
| Fall Term, 1903 | Pasco | Conditional pardon May 11, 1905. |
| Fall Term, 1901 | Bradford | Conditional pardon May 11, 1905. |
| Spring Term, 1900 | Alachua | Pardon May 1, 1905. |
| Spring Term, 1898 | Lafayette | Conditional pardon May 8, 1905. |
| Fall Term, 1903 | Jackson | Conditional pardon June 16, 1905. |
| Fall Term, 1904 | Bradford | Commuted to life imprisonment June 27, 1905. |
| Fall Term, 1902 | Brevard | Conditional pardon June 27, 1905. |
| Fall Term, 1902 | Madison | Conditional pardon June 30, 1905. |
| Spring Term, 1904 | Marion | Commuted to life imprisonment July 7, 1905. |
| June Term, 1904 | Duval | Fine commuted to \$250 July 7, 1905. |
| Spring Term, 1902 | Dade | Conditional pardon July 20, 1905. |
| December Term, 1898 | Duval | Conditional pardon July 22, 1905. |
| December Term, 1904 | Duval | Pardon July 20, 1905. |
| Spring Term, 1905 | Jackson | Commuted to \$200 and two months Sept. 1, 1905. |
| Spring Term, 1888 | Gadsden | Conditional pardon Sept. 13, 1905. |
| Fall Term, 1904 | Bradford | Commuted to life imprisonment October 5, 1905. |
| Special Term, February, 1894 | Suwannee | Conditional pardon October 5, 1905. |
| Spring Term, 1905 | Jackson | Conditional pardon October 10, 1905. |
| Spring Term, 1887 | Clay | Conditional pardon November 2, 1905. |
| Spring Term, 1900 | Jackson | Conditional pardon November 2, 1905. |
| Spring Term, 1897 | Escambia | Conditional pardon November 2, 1905. |
| Spring Term, 1904 | Hamilton | Commuted to costs November 14, 1905. |
| November Term, 1904 | Duval | Conditional pardon December 7, 1905. |
| January Term, 1905 | Duval | Conditional pardon December 7, 1905. |
| October Term, 1897 | Hillsborough | Conditional pardon December 7, 1905. |
| November Term, 1897 | Volusia | Conditional pardon December 7, 1905. |
| Fall Term, 1896 | Madison | Conditional pardon December 7, 1905. |
| Fall Term, 1904 | Santa Rosa | Conditional pardon December 7, 1905. |
| Spring Term, 1902 | Polk | Conditional pardon December 7, 1905. |
| January Term, 1903 | Duval | Conditional pardon December 7, 1905. |
| Fall Term, 1895 | Volusia | Conditional pardon December 7, 1905. |
| Fall Term, 1895 | Volusia | Conditional pardon December 7, 1905. |
| Fall Term, 1895 | Volusia | Conditional pardon December 7, 1905. |
| Fall Term, 1895 | Volusia | Conditional pardon December 7, 1905. |
| Fall Term, 1895 | Volusia | Conditional pardon December 7, 1905. |
| Fall Term, 1895 | Gadsden | Conditional pardon December 7, 1905. |
| Spring Term, 1898 | Jackson | Conditional pardon December 15, 1905. |
| December Term, 1904 | Hamilton | Conditional pardon February 1, 1906. |
| December Term, 1904 | Duval | Conditional pardon February 1, 1906. |
| December Term, 1904 | Duval | Conditional pardon February 1, 1906. |
| July Term, 1904 | Volusia | Conditional pardon February 1, 1906. |
| Spring Term, 1904 | Hillsborough | Conditional pardon February 1, 1906. |
| October Term, 1903 | Putnam | Conditional pardon February 1, 1906. |
| Fall Term, 1889 | Monroe | Conditional pardon February 1, 1906. |
| Fall Term, 1897 | Orange | Conditional pardon February 1, 1906. |
| Spring Term, 1893 | Suwannee | Conditional pardon February 1, 1906. |
| Fall Term, 1905 | Putnam | Conditional pardon February 1, 1906. |
| Spring Term, 1898 | Suwannee | Commuted to \$200 and costs or 3 years Feb. 24, 1906. |
| Spring Term, 1903 | Columbia | Conditional pardon February 24, 1906. |
| Spring Term, 1905 | Walton | Commuted to \$50, costs suspended, March 1, 1906. |
| Spring Term, 1899 | St. Johns | Conditional pardon March 1, 1906. |
| December Term, 1905 | Duval | Conditional pardon March 1, 1906, (revoked June 11, 1906). |
| Fall Term, 1905 | Walton | Conditional pardon March 1, 1906. |
| Spring Term, 1904 | Columbia | Commuted to fine of \$250 April 5, 1906. |
| January 2, 1905 | Dade | Conditional pardon April 5, 1906. |
| October Term, 1905 | Duval | Pardon April 5, 1906. |
| Fall Term, 1902 | Hamilton | Pardon May 3, 1906. |
| Fall Term, 1894 | Polk | Conditional pardon May 3, 1906. |
| Spring Term, 1903 | Baker | Conditional pardon May 3, 1906. |
| Fall Term, 1905 | Calhoun | Conditional pardon May 3, 1906. |
| Spring Term, 1903 | Leon | Conditional pardon May 3, 1906. |
| December Term, 1905 | Escambia | Conditional pardon June 4, 1906. |
| Spring Term, 1905 | Alachua | Commuted to life imprisonment June 8, 1906. |
| May 22, 1901 | Leon | Conditional pardon June 8, 1906. |
| January Term, 1891 | Hamilton | Commuted to ten years June 8, 1906. |
| Spring Term, 1901 | Suwannee | Pardon June 8, 1906. |
| Spring Term, 1897 | Gadsden | Conditional pardon June 8, 1906. |
| April 4, 1903 | Escambia | Commuted to expire January 1, 1910, if of good behavior meanwhile, June 8, 1906. |
| April 4, 1903 | Madison | Conditional pardon June 8, 1906. |
| January, 1905 | Leon | Conditional pardon August 3, 1906. |
| January, 1905 | Leon | Commuted to life imprisonment August 3, 1906. |
| April 30, 1902 | Duval | Commuted to life imprisonment August 3, 1906. |
| April 30, 1902 | Duval | Pardon August 3, 1906. |
| Spring Term, 1895 | Columbia | Pardon August 3, 1906. |
| June, 1901 | Duval | Commuted to three years imprisonment from date, August 2, 1906. |
| April, 1900 | Duval | Conditional pardon August 3, 1906. |
| Fall Term, 1905 | Putnam | Conditional pardon August 3, 1906. |
| Fall Term, 1899 | Volusia | Conditional pardon August 3, 1906. |
| Fall Term, 1900 | Leon | Conditional pardon August 3, 1906. |
| July, 1903 | Hamilton | Conditional pardon August 3, 1906. |
| Fall Term, 1905 | Monroe | Conditional pardon August 3, 1906. |
| October Term, 1897 | Lake | Conditional pardon August 3, 1906. |
| January Term, 1906 | Hillsborough | Commuted to life imprisonment August 14, 1906. |
| Spring Term, 1900 | Washington | Conditional pardon September 6, 1906. |
| May 22, 1901 | Leon | Commuted to \$200 fine September 6, 1906. |
| Fall Term, 1901 | Leon | Conditional pardon September 6, 1906. |
| | Madison | Conditional pardon October 5, 1906. |

77. Sam Shepperd
 78. Berry F. Bird
 79. S. J. Long
 80. Corine Wright
 81. Henry Fields
 82. C. G. Keeler.....
 83. C. A. Yant.....
 84. Nelson Larkins
 85. George Caldwell
 86. Ellen Broadus (a).....
 87. Jackson Broadus (a).....
 88. Jesse Cain
 89. A. H. Anderson.....
 90. Alex Henderson
 91. Travis Graves
 92. James Hill
 93. John Bryant
 94. Richard Hamilton
 95. Hamilton Griffin
 96. Mable Collins
 97. Lucius Hood
 98. W. B. Faircloth (a).....
 99. Millie Swann
 100. Berry F. Byrd (d).....
 101. Ben Snead
 102. Singham Cooper (a).....
 103. Fabe Robinson
 104. Willie Mitchell.....
 105. Jackson Bassett
 106. Joe Gash
 107. J. R. Gibson
 108. Geo. F. Parker
 109. Heber McWilliams
 110. George Lancaster
 111. William Wyand
 112. Tim Cottle
 113. Joseph R. Brown.....
 114. Hardy Davis
 115. William Black
 116. James Roll
 117. Charles Schubert
 118. John Kersey (a).....
 119. Robt. Preston, alias Robt. Kabe
 120. George Washington (a).....
 121. William Young
 122. Joseph A. Barber.....
 123. Lafayette Clemmons
 124. Luke Douberly
 125. W. H. Wilson, Jr.....
 126. W. R. Lee.....
 127. Reed Henderson
 128. Eugene Curry
 129. George Caldwell
 130. Buddie Winters (a).....
 131. Will Robinson
 132. Horace Davis
 133. Geo. F. Johns
 134. John Jones
 135. Jas H. Johns.....
 136. Thos. A. Rauscher
 137. J. W. Hart
 138. Isaac Brown

Murder in first degree
 Assault to murder
 Manslaughter
 Manslaughter
 Breaking and entering
 Murder in first degree
 Sodomy
 Rape
 Murder in first degree
 Murder in first degree
 Keeping house of ill fame
 Keeping house of ill fame
 Murder in first degree
 Assault to murder
 Second larceny
 Grand larceny
 Murder in first degree
 Murder in first degree
 Rape
 Assault to murder
 Murder in first degree
 Breaking and entering
 Violation of local option law
 Manslaughter
 Manslaughter
 Rape
 Aggravated assault
 Manslaughter
 Murder
 Murder in second degree
 Murder
 Assault to murder
 Larceny of domestic animal
 Grand larceny
 Murder
 Forgery
 Obtaining money by false pretences.
 Grand larceny
 Stealing domestic animal
 Assault to rape
 Assault to kill
 Assault to kill
 Petty larceny
 Burglary
 Obstructing railroad track
 Murder
 Assault to kill
 Manslaughter
 Larceny of cow
 Embezzlement
 Assault to kill
 Arson
 Uttering forged check
 Assault to kill
 Assault and battery
 Murder, first degree
 Murder, second degree
 Burglary
 Grand larceny
 Burglary
 Forgery and uttering forgery.....
 Burglary
 Incest

Death.....
 Five years
 20 years
 Two years
 10 years
 Imprisonment for life
 10 years.
 Imprisonment for life
 Death
 Death
 30 days in jail
 Six months in jail
 Death
 8 years
 10 years
 3 years
 Imprisonment for life
 Life imprisonment
 Life imprisonment
 5 years
 Death
 15 years
 Fine \$400
 10 years
 20 years
 Life imprisonment
 Fine \$500 and twelve months.
 2 years
 Life imprisonment
 Life imprisonment
 Life imprisonment
 20 years
 3 years
 5 years
 Life imprisonment
 2 years
 One year
 3 years
 2 years
 10 years
 5 years
 5 years
 Fine \$5
 2 years
 10 years
 Life imprisonment
 5 years
 2 years
 2 years
 3 years
 5 years
 3 years
 3 years
 5 years
 Fine \$200
 Life imprisonment
 Life imprisonment
 5 years
 5 years
 5 years
 10 years
 10 years

- (a) County convicts, all others State penitentiary prisoners.
 (b) Previously commuted to life imprisonment.
 (c) Previously granted conditional pardon.
 (d) Previously commuted to 10 years' imprisonment.

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|---------------------|--------------|---|
| Spring Term, 1904 | Jackson | Conditional pardon December 6, 1906. |
| Fall Term, 1900 | Escambia | Conditional pardon December 6, 1906. |
| Spring Term, 1900 | Jackson | Conditional pardon December 6, 1906. |
| Spring Term, 1901 | Putnam | Conditional pardon December 6, 1906. |
| Fall Term, 1901 | Dade | Conditional pardon December 6, 1906. |
| Spring Term, 1905 | Putnam | Pardon December 6, 1906. |
| Spring Term, 1905 | Hillsborough | Conditional pardon December 6, 1906. |
| Spring Term, 1885 | Orange | Conditional pardon December 6, 1906. |
| Spring Term, 1906 | Monroe | Conditional pardon December 6, 1906. |
| Spring Term, 1906 | Santa Rosa | Conditional pardon December 6, 1906. |
| Spring Term, 1906 | Brevard | Conditional pardon December 6, 1906. |
| Fall Term, 1891 | Washington | Pardon December 8, 1906. |
| March Term, 1902 | Hillsborough | Conditional pardon December 8, 1906. |
| November Term, 1905 | Monroe | Conditional pardon December 13, 1906. |
| November Term, 1905 | Monroe | Conditional pardon December 13, 1906. |
| August Term, 1899 | Clay | Pardon December 13, 1906. |
| Spring Term, 1905 | Clay | Conditional pardon December 8, 1906. |
| Spring Term, 1904 | Nassau | Conditional pardon December 14, 1906. |
| Fall Term, 1893 | Madison | Conditional pardon December 14, 1906. |
| Fall Term, 1905 | Osceola | Conditional pardon December 14, 1906. |
| Fall Term, 1903 | Hillsborough | Conditional pardon December 20, 1906. |
| Spring Term, 1905 | Columbia | Committed to one year January 18, 1907. |
| October, 1903 | Hillsborough | Conditional pardon February 5, 1907. |
| Fall Term, 1903 | Lafayette | Conditional pardon February 7, 1907. |
| Spring Term, 1906 | Santa Rosa | Conditional pardon February 7, 1907. |
| Spring Term, 1905 | Manatee | Conditional pardon February 7, 1907. |
| February, 1903 | Dade | Conditional pardon February 7, 1907. |
| August 9, 1906 | Hillsborough | Committed to \$100 fine February 7, 1907. |
| Spring Term, 1901 | Escambia | Conditional pardon March 11, 1907. |
| Fall Term, 1888 | Lake | Conditional pardon March 14, 1907. |
| May Term, 1905 | Hillsborough | Conditional pardon March 14, 1907. |
| June Term, 1906 | Hillsborough | Conditional pardon March 14, 1907. |
| May Term, 1905 | Hillsborough | Conditional pardon March 14, 1907. |
| March Term, 1906 | Escambia | Conditional pardon March 14, 1907. |
| October 1, 1903 | Monroe | Conditional pardon March 14, 1907. |
| October, 1898 | Polk | Conditional pardon March 14, 1907. |

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| Death sentences commuted to life imprisonment | |
| Conditional pardons | |
| Imprisonments commuted | |
| Full pardons | ..... |
| Fines reduced | ..... |
| Total | ..... |

Pardons, Reprieves, Fines Remitted at Legislature

| NAME. | CRIME. | SENTENCE. |
|-------------------------------------|---------------------------------------|-----------------------------|
| 1. Emmett Washington | Rape | Imprisonment for life.. |
| 2. E. B. Brooks (a)..... | Receiving stolen goods..... | One year |
| 3. Mick Joyner | Murder in first degree..... | Imprisonment for life.. |
| 4. E. B. Brooks (a)..... | Receiving stolen goods..... | One year |
| 5. Robert Chambers | Robbery and burglary..... | Imprisonment for life.. |
| 6. J. B. Brown | Larceny of cow..... | Five years |
| 7. Luke K. Palmer (a)..... | Keeping gambling house..... | Fine \$500 |
| 8. Charles McCrady | Murder | Imprisonment for life.. |
| 9. George Gordon | Murder | Imprisonment for life.. |
| 10. Frank Mehlig (a)..... | Altering and selling R. R. ticket.. | Fine \$500 and six mon |
| 11. James Bartlett | Murder in first degree..... | Imprisonment for life.. |
| 12. Mack Caldwell | Manslaughter | Five years |
| 13. Simon Reyes | Murder in first degree..... | Death |
| 14. Thomas O. Slaughter..... | Larceny of domestic animal..... | Two years |
| 15. Ollie Browning | Murder in second degree..... | Imprisonment for life.. |
| 16. G. Towney Kernard..... | Manslaughter | Twenty years |
| 17. T. A. Leggett..... | Manslaughter | Ten years |
| 18. A. J. Wooldridge..... | Forgery | Five years |
| 19. Alex Webster | Murder in first degree..... | Death |
| 20. Albert Willis | Manslaughter | Twenty years |
| 21. John Jones | Assault to commit manslaughter... | Five years |
| 22. Ed. Smith | Murder in first degree..... | Death |
| 23. William Schider (a)..... | Selling liquor on Sunday..... | Fine \$500 and 30 days in |
| 24. James O. Williams | Murder in first degree..... | Imprisonment for life.. |
| 25. James Adams | Breaking and entering..... | Eighteen years |
| 26. J. Edgar Butts (a)..... | Grand embezzlement | Fine \$500 |
| 27. A. J. Pelham (a)..... | Selling whisky in dry county..... | Fine \$450 or 12 months.. |
| 28. Thomas Malone | Murder in first degree..... | Imprisonment for life.. |
| 29. David Mitchell, alias Black Kid | Murder in first degree..... | Death |
| 30. Claudia Johnson | Murder in first degree..... | Imprisonment for life.. |
| 31. Dallas McKinne | Murder in first degree..... | Imprisonment for life.. |
| 32. Frank Thomas | Assault to rape..... | Imprisonment for life.. |
| 33. Dallas Miller | Forgery and false pretense..... | Seventeen years |
| 34. William Gurley | Manslaughter | Twenty years |
| 35. William Herd (a)..... | Illegal sale of liquor..... | Fine \$50 and costs..... |
| 36. John Hanley (a)..... | Assault and battery..... | Fine \$250 and 6 months. |
| 37. Henry L. Olliver..... | Grand larceny | Three years |
| 38. Charles Hayes | Breaking and entering in night time | Fifteen years |
| 39. Henry E. Henderson..... | Manslaughter | Ten years |
| 40. Geo. W. Page | Murder in first degree..... | Imprisonment for life.. |
| 41. Charles Gander | Assault to commit manslaughter... | Three years |
| 42. Babe Williams | Manslaughter | years |
| 43. Frank Kimball | Attempt to rob | Five years |
| 44. Edward W. Ballard..... | Murder in first degree..... | Imprisonment for life.. |
| 45. McNelty | Murder in first degree..... | Imprisonment for life.. |
| 46. John R. Walker..... | Murder in first degree..... | Imprisonment for life.. |
| 47. Frank Jones | Murder in first degree..... | Imprisonment for life.. |
| 48. Andrew Estes | Murder in first degree..... | Imprisonment for life.. |
| 49. A. G. Holt..... | Assault to commit manslaughter... | Imprisonment for life.. |
| 50. John Bryan (a)..... | Misdemeanor | One year |
| 51. Moses Arons | Manslaughter | One year |
| 52. Alex Morrighne | Obtaining goods under false pretenses | Twelve years |
| 53. Percy M. Richardson..... | Receiving stolen property..... | Eight years |
| 54. Chester Coleman | Breaking and entering..... | Three years |
| 55. Hardy Ryals | Larceny of cow..... | Three years |
| 56. A. J. Dent..... | Breaking and entering..... | Two years |
| 57. Jack W. Hart..... | Burglary | Four years |
| 58. William Hansell (b)..... | Murder in the first degree..... | Nine years |
| 59. John Lindsey | Assault to murder..... | Death |
| 60. Simon McCollough | Murder in first degree..... | Ten years |
| 61. Berry Green | Assault to commit manslaughter .. | Imprisonment for life.. |
| 62. H. C. Waldron | Assault to murder | Fine \$400 and costs or thr |
| 63. H. L. Burke, (a) | Aggravated assault | 15 years |
| 64. David Forbes | Larceny | \$50 and six months |
| 65. Lem Davis | Second larceny | 2 years |
| 66. Stokes Moss (a)..... | Concealed weapons | 18 years |
| 67. John J. Ward (a)..... | Selling liquor in dry county | 6 months |
| 68. Forest Clark | Burglary | Fine \$500 |
| 69. Green Gilbert, (a) | Vagrancy | 5 years |
| 70. W. L. Ogilvie | Trespass to realty | 6 months |
| 71. Judson O. Mathis | Murder in third degree | 2 years |
| 72. John Henry Johnson, (b) | Murder in first degree | 20 years |
| 73. Jere M. Dorman | Manslaughter | Death |
| 74. W. C. Kemp | Burglary | 15 years |
| 75. Walter L. Taylor | Assault to commit manslaughter .. | One year |
| 76. Thomas Grice | Murder | Five years |